

AGENDA

BOARD OF MAYOR AND ALDERMEN REGULAR WORK SESSION

Monday, August 3, 2009 Council Room — 2nd Floor, City Hall 4:30 p.m.

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding Alderman Valerie Joh Vice Mayor Benjamin K. Mallicote Alderman C. K. Marsh, Jr.

Alderman Larry Munsey Alderman Tom C. Parham Alderman Jantry Shupe

Leadership Team

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney
Jim Demming, City Recorder/CFO
Craig Dye, Fire Chief
Jeff Fleming, Asst. City Manager, Development Services

Chris McCartt, Assistant to the City Manager Ryan McReynolds, Public Works Director Gale Osborne, Police Chief Tim Whaley, Community and Gov't Relations Director

- 1. Call to Order
- 2. Roll Call
- Work Session Tickler
- 4. Review of Items on August 3, 2009 Regular Business Agenda
- 5. Discuss Date for Meeting with School Board Mayor Dennis R. Phillips
- 6. Adjourn

Citizens wishing to comment on agenda items, please come to the podium and state your name and address. Please limit your comments to five minutes. Thank you.



Work Session Tickler August 3, 2009

Special Projects

Higher Education Center

Jeff Fleming

July 31, 2009

The last of the interior finishes are being completed. Furniture delivery and installation is in progress. Computers for the computer classrooms and science lab equipment will begin arriving on August 5th for installation. The final site work is in progress, but the weather has slowed progress. The first classes are scheduled to begin on August 17th.

Netherland Inn Road Boat Ramp

Chris McCartt

July 30, 2009

We have received all the permits necessary to begin construction. Baker's Construction Services has received the contract and a pre-construction meeting has been held. Baker's Construction is hoping to begin construction early next week.

City Departments

Police Department

PDA/VisionAir Project

Gale Osborne

July 30, 2009

We continue to remain on schedule. Updates will be listed in bold and italics.

- Hardware and Network Ready by June 30,2009
 Installed
- 2. Computer Aided Dispatch Live- August 13-14 (2 Days)

 System Administrator Training complete for CAD
- 3. Records Management System Live November 4 (1 Day)
- 4. JAIL Live November 5 (1 Day)
- 5. MOBILE Live November 12 (1 Day)
- 6. FIRE Live December 11 (1 Day)
- 7. Data-Driven Server ordered for Field Reporting Software.

 Delivered and installed.
- 8. PDA/Redfly mobile companion distribution planned to occur in July **Distribution occurred as scheduled.**

Included in this timeline are multiple training modules that are web based and classroom based. We continue to have team meetings; Information Services is coordinating with VisionAir and Data-Driven engineers for installation of hardware and software packages.

Fire Department

Fire Station Seven

Craig Dye

July 30, 2009

The Walls are going up! Everything is going great. The station is still on track for opening the first part of October.

Anyone wishing to visit the project site please schedule a time with the Fire Department. HELMETS ARE REQUIRED.

Finance Department

Sewer Tap Fees

Jim Demming

July 14, 2009

Approximately 50 notification letters were mailed to property owners in the Rock Springs area informing them of the availability of sanitary sewers and the requirements for connecting to the system. The letter also provided information regarding the applicable fees and available financing option for the tap fee. Through June 9th four affected property owners have paid the tap fee to proceed forward with connecting to the system. In addition, five property owners in the Bloomingdale area have opted to utilize the financing option to fund the tap fee.

Engineering

Gibson Mill Road Realignment Hank Clabaugh

July 29, 2009

Thomas has completed the final road grading and sub-grade compaction on all road beds.

The curb and gutter and sidewalk are complete on the new Holston Valley connector road, which will be named Ravine Road. The asphalt binder has been installed on new Holston Valley connector road (Ravine Road). Final completion of this road will coincide with the closing of Ravine Road at Cassel Drive with the cul-de-sac. This roadway will be renamed Cherokee Village Drive.

Work is proceeding on the curb, gutter, and sidewalks on Cassel Drive.

The installation of all the steel work for the bridge deck is complete. The steel will be tied-in over the next several weeks. Pouring of the concrete deck will start next week and take approximately two weeks to complete. This work is for Contract 1.

The Greenbelt pedestrian bridge is complete and the old pedestrian bridge has been demolished.

The existing/old Ravine Road (Cherokee Village Drive) will be permanently closed with a cul-de-sac on September 1. The City and Hospital will begin sending out information about this closing at least 30 days prior to closing.

Thomas Construction Co. is the contractor for both contracts (Contract 1 – Wellmont; Contract 2 - City).

Final completion on Contract 1 is expected by the end of September.

Netherland Inn Bridge

Gary Dault

July 30, 2009

(No change for Netherland Inn Bridge)

Work left at this point includes installing the light poles on the bridge, replacing the guardrail (wrong color was installed), and final coat of asphalt. Once the guardrail is replaced, the asphalt will be completed.

Water/Sewer

Automated Meter Reading

Chad Austin

July 30, 2009

Approximately 26,700 (of approx. 35,000) meters have been changed out thus far. Project is on schedule to be completed by end of October.

Vanguard (the installation contractor) is sending their large meter group to begin rebuilds of the 3" & larger meters this week.

Meter reading with the new system is going well. The system has identified 37 leaks on the customer side that would not have been detected otherwise. The customers have been notified about those leaks.

Rock Springs Area Waterline Upgrades

Chad Austin

July 30, 2009

Waterline installation along Rock Springs Road is complete. John Adams Elem now has the required fire protection. Work is still continuing in other areas for the project.

Peppertree Sewer Line Extension

Chad Austin

July 30, 2009

Sewer line construction is underway.

Airport Parkway Water Tank Rehab.

Chad Austin

July 30, 2009

Contractor is setting up at the tank site. Work should begin this week. Contractor expects project to be completed in two months.

Transportation (Traffic)

Stone Dr. / Netherland Inn Rd. Intersection Improvements

Michael Thompson

July 30, 2009

Contractor has completed all roadway work. This item will be removed from the tickler list.

Development Services

Cook's Point

Rack Cross

July 29, 2009

Cook's Point was visited by staff for the purpose of general observation. Areas around detention pond and adjoining vacant lot have been mowed. Developer Erik Fritz is having street lights installed in Phase Three area of Cook's Point PD.

Leisure Services

Parks & Recreation
Dog Park

Chris McCartt

July 2, 2009

Construction on the bathrooms at the dog park was completed earlier last month and will become operational as soon as AEP installs a new power line from Granby Road to the bathrooms. I anticipate this work to be completed within the next two weeks. Additionally, the bathroom facility will be outfitted with a special external faucet to provide water for the dogs. Ultimately there will be fountains inside the park fence to provide water for the dogs.

Parks & Recreation

Greenbelt

Kitty Frazier

July 27, 2009

Construction continues on schedule. An initial layer of asphalt has been placed on approximately 60% of the trail.

Kingsport Public Library

Helen Whittaker

July 30, 2009

The architects from PSA-Dewberry and Cain Rash West met with City staff for their preliminary feasibility study meeting.



AGENDA

BOARD OF MAYOR AND ALDERMEN

REGULAR BUSINESS MEETING

Tuesday, August 4, 2009 Large Court Room – 2nd Floor, City Hall 7:00 p.m.

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh Vice Mayor Benjamin K. Mallicote Alderman C. K. Marsh, Jr.

Alderman Larry A. Munsey Alderman Tom C. Parham Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager J. Michael Billingsley, City Attorney James Demming, City Recorder

- I. CALL TO ORDER
- II.A. PLEDGE OF ALLEGIANCE TO THE FLAG
- II.B. INVOCATION -Anthony Daniels, Interim Pastor (Barboursville, KY)
- III. ROLL CALL
- IV. RECOGNITIONS AND PRESENTATIONS
 A. Unit Way Appreciation Presentation
- V. APPROVAL OF MINUTES
 - 1. July 20, 2009 Regular Work Session
 - 2. July 21, 2009 Regular Business Meeting

VI. COMMUNITY INTEREST ITEMS

AA. PUBLIC HEARINGS

COMMENT

Citizens may speak on agenda items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes. A total of thirty minutes is allocated for public comment during this part of the agenda.

B. BUSINESS MATTERS REQUIRING FIRST READING

- Consideration of an Ordinance Establishing the FY10 Property Tax Rate for City of Kingsport Sullivan and City of Kingsport Hawkins County (AF:230 -2009)
 - Ordinance First Reading

C. <u>BUSINESS MATTERS REQUIRING FINAL ADOPTION</u>

- 1. Consideration of an Ordinance to Amend Kingsport City Code Section 114-68 Pertaining to Powers of the Board of Zoning Appeal (AF: 220-2009)
 - Ordinance (Zoning) Second Reading and Final Adoption
- 2. Consideration of Ordinances to Annex/Amend Zoning of the RS3 Annexation (AF: 231-2009)
 - Ordinance (Annexation) Second Reading and Final Adoption
 - Ordinance (Zoning) Second Reading and Final Adoption
- 3. Consideration of Ordinances to Annex/Amend Zoning of the RS4 Annexation (AF: 232-2009)
 - Ordinance (Annexation) Second Reading and Final Adoption
 - Ordinance (Zoning) Second Reading and Final Adoption
- 4. Consideration of Ordinances to Annex/Amend Zoning of the Parker Lane (AF: 255-2009)
 - Ordinance (Annexation) Second Reading and Final Adoption
 - Ordinance (Zoning) Second Reading and Final Adoption

D. OTHER BUSINESS

- 1. Consideration of a Resolution to Authorize the Mayor to Sign a Worksite Agreement with the Alliance for Business and Training, Inc. for a Temporary Worker in the Library (AF:253 -2009)
 - Resolution

- 2. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper to Apply for and Receive Arts Builds Community Grant from the Tennessee Arts Commission(AF:260 -2009)
 - Resolution
- 3. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper to Apply for and Touring Arts Grants from the Tennessee Arts Commission (AF:261 -2009)
 - Resolution
- Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper to Apply for and Receive Technical Assistance Grant from the Tennessee Arts Commission (AF:262 -2009)
 - Resolution
- 5. Consideration of a Resolution Authorizing a Change Order to the Agreement with Duco Construction to Complete Section 1 of the Reedy Creek Greenbelt (W. Sullivan Street to Cloud Park) (AF:264 -2009)
 - Resolution
- 6. Consideration of a Resolution Authorizing a Change Order for the V.O. Dobbins Community Center Project and Authorizing the Mayor to Execute all Documents Necessary for the Change Order (AF:273 -2009)
 - Resolution
- 7. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper for the Purchase of Two Properties from the Industrial Development Board of the City of Kingsport, Tennessee for the Riverwalk Redevelopment Project (AF:272 -2009)
 - Resolution
- 8. Consideration of a Resolution to Amend FY2010 Fee Resolution Regarding Charge for Compost Bins (AF:270 -2009)
 - Resolution
- Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Submit a Pre-Application for the Recreational Trails Programs (RTP) Grant Process Administered by the Tennessee Department of Environment and Conservation for Domtar Park (AF:268 -2009)
 - Resolution
- 10. Consideration of a Resolution Authorizing the Mayor to Execute and Intergovernmental Agreement with Sullivan County for Acquisition of Real Property Commonly Known as the Old Lynn View School Stadium and Ball Fields; and Authorizing the Mayor to Execute all Other Documents Necessary and Proper to Acquire the Property (AF:275 -2009)
 - Resolution

- 11. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Apply and Receive a Tennessee Agricultural Enhancement Program Community Tree Planting Project Grant (AF:269 -2009)
 - Resolution
- 12. Consideration of a Resolution to Condemn in Fee Property for Phase II of the Gibson Mill Road Realignment Project and Motion to Approve Settlement of Condemnation (AF:277 -2009)
 - Resolution

E. APPOINTMENTS

- 1. Consideration of Reappointment to the Kingsport Beverage Board (AF: 274 -2009)
 - Approve Reappointment

VII. CONSENT AGENDA

All matters listed under the Consent Agenda are considered in the ordinary course of business by the Board of Mayor and Aldermen and will be enacted on by one motion in the form listed. If discussion is desired by either the Board or the audience, the item in question will be removed from the Consent Agenda and considered separately.

- Consideration of an Ordinance to Waive Receipt of a Portion of School Bond Proceeds Issued by Hawkins County in Consideration of Agreement to Receive an Equal Amount for City School Capital Projects (AF:248 -2009)
 - Ordinance Second Reading and Final Adoption
- 2. Consideration of an Ordinance to Amend the Debt Service Fund, Regional Sales Tax Fund, and Meadowview Fund (AF:214 -2009)
 - Ordinance Second Reading and Final Adoption
- 3. Consideration of an Approval of Offers for Easements and Right-of-Ways for the Garland Private Drive Water Line Extension Project (AF:263 -2009)
 - Approval of Offers

VIII. COMMUNICATIONS

- A. CITY MANAGER
- B. MAYOR AND BOARD MEMBERS
- C. VISITORS

Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non- personal in nature, and they should be limited to five minutes.

IX. ADJOURN

WORK SESSION
MINUTES
WILL BE
EMAILED
AND PLACED
AT THE
TABLE
ON MONDAY
AUGUST 3, 2009

Minutes of the <u>Regular Business Meeting</u> of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee Tuesday, July 21, 2009, 7:00 PM Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding Alderman Valerie Joh Vice-Mayor Benjamin K. Mallicote Alderman Charles K. Marsh. Jr.

Alderman Larry A. Munsey Alderman Tom C. Parham Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager J. Michael Billingsley, City Attorney James H. Demming, City Recorder

- I. CALL TO ORDER: 7:00 p.m., by Mayor Dennis R. Phillips.
- **II.A.** PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Carl S. Matherly, long-time City resident and father-in-law of newly elected Alderman Tom Parham. Mr. Matherly was accompanied by daughter, Martha Parham.
- **II.B. INVOCATION:** by Reverend Doug Tweed, Founder and President of Friends of the King's Ministries.
- III. ROLL CALL: By Deputy City Recorder Lisa Winkle.
- IV. RECOGNITIONS AND PRESENTATIONS.
- A. KEEP KINGSPORT BEAUTIFUL JULY BEAUTIFICATION AWARDS. Ms. Stacey Beverly presented and narrated a pictorial slide presentation of landscapes showing several residences, a business, a redevelopment area and a church selected to receive Keep Kingsport Beautiful Award honors sponsored by Blue Ridge Properties for July 2009. Alderman Munsey commended the award winners on their contributions to the attractive surroundings of Kingsport and presented award certificates to those honorees in attendance.

V. APPROVAL OF MINUTES.

Motion/Second: Joh/Mallicote, to approve minutes for the following meetings:

- A. July 6, 2009 Regular Work Session
- B. July 7, 2009 Regular Business Meeting

Approved: All present voting "aye."

VI. COMMUNITY INTEREST ITEMS.

AA. PUBLIC HEARINGS.

1. Public Hearing for Annexation Annual Plan of Services Report (AF: 219-2009). City Planner Forrest Koder provided this update on the state of the annual plan of services.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

2. Public Hearing and Consideration of an Ordinance to Amend Kingsport City Code Section 114-68 Pertaining to Powers of the Board of Zoning Appeal (AF: 220-2009). City Planner Karen Combs provided the background for this action item.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: Mallicote/Munsey, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-68 RELATING TO THE POWERS OF THE BOARD OF ZONING APPEALS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

3. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the RS3 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 231-2009). City Planner Ken Weems described this annexation and costs involved.

PUBLIC COMMENT ON ITEM VI.AA.3. None.

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 15th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS3 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD TP R-1B, RESIDENTIAL DISTRICT IN THE 15th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Parham/Mallicote, to pass:

Resolution No. 2010-022, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE RS3 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

4. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the RS4 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 232-2009). City Planner Weems also explained this annexation request and confirmed, when asked by Alderman Marsh, that the \$6 million capital cost listed included all eight RS annexations. Alderman Marsh mentioned that the City is making a substantial investment, approximately \$35 million, in the Rock Springs corridor, inclusive of the new elementary school, sewer, water, and other services, driven in large part by the extensive failure of septic tank systems in that area.

PUBLIC COMMENT ON ITEM VI.AA.4. None.

Motion/Second: Mallicote/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS4 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD AND SNAPPS FERRY ROAD TO R-1B, RESIDENTIAL DISTRICT IN THE 14th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Mallicote/Shupe, to pass:

Resolution No. 2010-023, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE RS4 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE Passed: All present voting "aye."

5. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Parker Lane Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 255-2009). City Planner Jason Meredith addressed the details of this annexation item.

PUBLIC COMMENT ON ITEM VI.AA.5.

Mr. David Peters, 216 Briarfield Drive, Kingsport, provided a petition signed by a majority of the residents affected by who are in opposition to this annexation action and explained why they are opposed.

Ensuing Board discussion covered the period of time in which residents are required, once annexed, to hook onto City sewer if located within 200 feet of City sewer lines. Regarding the increased cost due to City real property tax in addition to County taxes, there is also the expense set-off of increased value in being on City sewer, as well as decreased rates for City water and sewer for those within the City limits. Further discussion cleared up a question that arose regarding school tuition moratorium and the boundaries affected.

Mr. James L. Horne of 315 Parker Lane, Kingsport, owns part of an old family farm located in this proposed annexation area and attended the June Planning Commission meeting to express opposition to this annexation action.

Ms. Tonda Gladson of 364 Parker Lane, Kingsport, supports the annexation based on the desire to have her son attend City schools. She mentioned areas of savings in being part of the City and sees this annexation as an investment in both children and the community.

Mr. Steve Kindle of 208 Briarfield Drive, Kingsport, spoke in support of the annexation to allow his children to attend City schools and the increased value of his property.

Ms. Ginny McClellan of 372 Parker Lane, Kingsport, also spoke in support and explained that City schools, as well as the increased ability of selling real property within City limits because families want their children to attend City schools.

Mr. John Souther of 860 Mimosa Drive, Kingsport, owns a farm in the proposed annexed area and believes the annexation will impair him from making a profit on his property. He mentioned that restrictions imposed by the City would limit predator control and he would no longer be able to discharge a firearm to prevent coyotes from eating his calves. He would also like to avoid the additional City real property taxes. City Attorney Billingsley explained that the Tennessee Wildlife Resources Authority (TWRA) regulates hunting, even within the City limits and believes there is a special provision for those with agricultural needs, depending on the zoning. City Planner Meredith confirmed that the property is currently zoned A-1 and, if annexed, would continue by being "grandfathered" in. If property has greenbelt status, it will fall in the lowest tax rate category. Mayor Phillips suggested Mr. Souther speak with Jeff Fleming, Director of Development Services and Assistant City Manager for Economic Development, about the greenbelt status of his property.

Ms. Kathy Rayfield of 380 Parker Lane, Kingsport, is in opposition of the annexation because of the additional tax expense she will bear. She is on a fixed income and the savings on sewer and water will not offset the increased tax burden.

City Manager Campbell pointed out that this area's residents currently enjoy a lower fire insurance rate based on City fire protection and he unsure that the City can legally continue to provide that service at no cost without annexation because serious policy issues in doing so.

Mr. Nelson Hall of 304 Parker Lane, Kingsport, is also opposed because he is on a fixed income and his children are grown. Mr. Hall pointed out that a noticeable parcel was carved out of the proposed annexation—the Bailey property—and explained he had been told, when he inquired at the Planning Commission meeting, that the property was not included because Mr. Bailey didn't want to be included. He then questioned why one person was allowed to opt out when the rest are not.

City Planning Director Alan Webb explained that he had dealt with Mr. Bailey and been told Mr. Bailey had plans to develop the larger portion of the property and was not aware, at that time, that the larger part was connected to the parcel included in the subdivision. Mr. Webb further explained that the majority of the property fronts Holston Valley Drive. He emphasized that Mr. Bailey was not given any preferential treatment.

Alderman Marsh pointed out that all of this property lies within the City's Urban Growth Boundary (UGB) and will, eventually, all be annexed into the City's corporate limits.

An unidentified older lady spoke about problems she is having in that area with drainage running through her property and contaminating her well. When questioned, it was learned that her property is outside the proposed annexation area and Mr. Webb stated that the issues with the drainage happened under Sullivan County control. Mayor Phillips suggested she address her issues with County staff and closed the public hearing on this item.

Motion/Second: Mallicote/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 12TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE PARKER LANE ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on first reading in a roll call vote</u>: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Mallicote/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG PARKER LANE TO R-1B, RESIDENTIAL DISTRICT IN THE 12th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2010-024, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PARKER LANE ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. Mayor Phillips announced that the issue of "guns in parks" was not on this meeting's agenda, having been told some were attending to speak on that subject. There being no one coming forward to speak, the Mayor closed the public comment segment.

[At this time, Mayor Phillips requested that Board members consider agenda item VI.D.10 and the item was discussed and passed as set out below.

Immediately following action on Item VI.D.10, consideration and action were taken on Items VI.E.1 and VI.D.7 as set out below.]

- B. Business Matters Requiring First Reading.
- 1. Consideration of an Ordinance to Waive Receipt of a Portion of School Board Proceeds Issued by Hawkins County in Consideration of Agreement to Receive an Equal Amount for City School Capital Projects (AF: 248-2009).

Motion/Second: Parham/Munsey, to pass:

AN ORDINANCE WAIVING THE MUNICIPALITY'S RIGHT TO RECEIVE A PORTION OF THE PROCEEDS OF SCHOOL BONDS ISSUED BY HAWKINS COUNTY, TENNESSEE; AUTHORIZING THE EXECUTION AND DELIVERY OF ANY CERTIFICATES OR AGREEMENTS NECESSARY TO WAIVE SUCH RIGHTS AND RECEIVE CERTAIN CONSIDERATION FOR SUCH WAIVER; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on first reading</u>: All present voting "aye" (*Mayor Phillips had stepped out and did not vote on this item*).

2. Consideration of an Ordinance to Amend the Debt Service Fund, Regional Sales Tax Fund, and Meadowview Fund (AF: 214-2009).

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE DEBT SERVICE FUND, REGIONAL SALES TAX FUND, CATTAILS FUND, AND MEADOWVIEW FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on first reading: All present voting "aye" (Mayor Phillips had stepped out and did not vote on this item – he returned prior to the vote on Item VI.C.1).

C. Business Matters Requiring Final Adoption.

1. Consideration of Ordinances to Annex/Amend Zoning of the Eastern Star Annexation (AF: 213-2009).

Motion/Second: Parham/Mallicote, to pass:

ORDINANCE NO. 5857, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE EASTERN STAR ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "ave."

Motion/Second: Mallicote/Shupe, to pass:

ORDINANCE NO. 5858, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EASTERN STAR ROAD, MITCHELL ROAD, AND INTERSTATE 26 TO M-1R LIGHT MANUFACTURING DISTRICT, AND B-4P, PLANNED BUSINESS DISTRICT IN THE 14th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of Ordinances to Annex/Amend Zoning of the RS2 Annexation (AF: 212-2009).

Motion/Second: Parham/Shupe, to pass:

ORDINANCE NO. 5859, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13TH and 14th CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS2 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Shupe voting "aye" (Mayor Phillips had stepped out and did not vote on this item).

Motion/Second: Munsey/Shupe, to pass:

ORDINANCE NO. 5860, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD, PEPPERTREE DRIVE, PEPPERTREE COURT, AND SNAPPS FERRY ROAD TO R-1B, RESIDENTIAL DISTRICT, AND B-4P, PLANNED BUSINESS DISTRICT IN THE 13th and 14th CIVIL DISTRICTS OF SULLIVAN COUNTY; TO FIX A PENALTY FOR

THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Joh, Mallicote, Marsh, Munsey, Parham and Shupe voting "aye" (*Mayor Phillips had stepped out and did not vote on this item*).

[Vice-Mayor Mallicote explained that the Mayor had stepped out to discuss with the Police Chief a situation mentioned earlier in the meeting regarding a missing 2-year City child.]

3. Consideration of Ordinances to Annex/Amend Zoning of the Flanders Street Annexation (AF: 224-2009).

Motion/Second: Joh/Shupe, to pass:

ORDINANCE NO. 5861, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 12TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE FLANDERS STREET ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Joh, Mallicote, Marsh, Munsey, Parham and Shupe voting "aye" (*Mayor Phillips had stepped out and did not vote on this item*).

Motion/Second: Parham/Shupe, to pass:

ORDINANCE NO. 5862, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG FLANDERS STREET TO R-1B, RESIDENTIAL DISTRICT IN THE 12th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Joh, Mallicote, Marsh, Munsey, Parham and Shupe voting "aye" (*Mayor Phillips had stepped out and did not vote on this item*).

[Around 9:45 p.m., Vice-Mayor Mallicote recessed the meeting to allow the Mayor to return and to provide a short break due to the length of the meeting. The meeting reconvened around 10:00 p.m.]

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for the Supply of Ethernet Switches for Kingsport City School's Network Infrastructure to Personal Computer Systems, Inc. (AF: 249-2009).

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2010-025, A RESOLUTION AWARDING THE BID FOR PURCHASE OF ETHERNET SWITCHES FOR THE CITY SCHOOL SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME Passed: All present voting "aye."

2. Consideration of a Resolution Awarding the Bid for the Purchase of Road Salt to Cargill, Inc. for FY10 (AF: 252-2009).

Motion/Second: Parham/Joh, to pass:

Resolution No. 2010-026, A RESOLUTION AWARDING THE BID FOR PURCHASE

OF ROAD SALT FOR USE BY THE CITY TO CARGILL, INC

Passed: All present voting "aye."

3. Consideration of a Resolution to Authorize the Mayor to Execute all Documents Necessary to Amend the Architect's Agreement with Cain Rash West Architects, Inc. for the Additions and Alterations to the V.O. Dobbins Community Center (AF: 239-2009).

Motion/Second: Mallicote/Parham, to pass:

Resolution No. 2010-027, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH CAIN RASH WEST ARCHITECTS, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT FOR DESIGN SERVICES RELATED TO THE ADDITIONS AND ALTERATIONS TO THE V.O. DOBBINS COMMUNITY CENTER

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for the Supply of Library Books and Other Materials for the Opening Day Library Collection for John Adams Elementary School to Bound to Stay Bound Books, Inc. (AF: 250-2009).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2010-028, A RESOLUTION AWARDING THE BID FOR PURCHASE OF LIBRARY BOOKS AND OTHER MATERIALS FOR THE OPENING OF THE JOHN ADAMS ELEMENTARY SCHOOL LIBRARY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Kingsport Chamber Foundation for the Keep Kingsport Beautiful Program (AF: 257-2009).

Motion/Second: Parham/Shupe, to pass:

Resolution No. 2010-029, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE KINGSPORT CHAMBER FOUNDATION FOR THE KEEP KINGSPORT BEAUTIFUL PROGRAM

Passed: All present voting "aye."

6. Consideration of a Resolution Amending a 2008-2009 Agreement (KOSBE) with the Kingsport Chamber Foundation by Extending the Term of the Agreement to September 1, 2009 (AF: 256-2009).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2010-030, A RESOLUTION AMENDING A FISCAL YEAR 2008-2009 AGREEMENT WITH THE KINGSPORT CHAMBER FOUNDATION BY EXTENDING THE TERMS OF THE AGREEMENT TO SEPTEMBER 1, 2009 AND TO STATE THE TERMS AND CONDITIONS UPON WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED

Passed: All present voting "aye."

The following item, VI.D.7, was considered earlier, following the vote on Item VI.E.1. and, after consideration on VI.D.7, the Board returned to the regular order, commencing with Item VI.B.1.]

7. Consideration of a Resolution Authorizing the Mayor to Execute an Interlocal Agreement Pertaining to Land Acquisition by the Airport (AF: 254-2009). Attorney Scott Powers, representing the Tri-Cities Regional Airport, explained the need to allow Sullivan County to condemn certain parcels of property and clarified that this intergovernmental agreement will approve the airport paying the cost of that condemnation and will seek reimbursement of those costs in an FAA grant. Mr. Powers said the agreement requires the approval of the six airport owners and is still in draft form, awaiting receipt of those approvals. Mayor Phillips confirmed that any minor changes necessary will be addressed by the City attorney.

<u>Motion/Second</u>: Munsey/Shupe, to pass:

Resolution No. 2010-031, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH SULLIVAN COUNTY, TENNESSEE REGARDING THE CONDEMNATION OF REAL PROPERTY FOR AIRPORT USE Passed: All present voting "aye."

8. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper for the Purchase of Four Properties from the Industrial Development Board of the City of Kingsport, Tennessee for the V.O. Dobbins Project (AF: 245-2009).

Motion/Second: Mallicote/Joh, to pass:

Resolution No. 2010-032, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF FOUR PROPERTIES FROM THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE FOR THE V. O. DOBBINS PROJECT Passed: All present voting "aye."

9. Consideration of a Resolution Awarding the Bid for Bakery Items for the City of Kingsport School Food and Nutrition Program to Otis Spunkmeyer and Authorizing the Mayor to Sign all Applicable Documents (AF: 251-2009).

Motion/Second: Mallicote/Joh, to pass:

Resolution No. 2010-033, A RESOLUTION AWARDING THE BID FOR PURCHASE OF BAKERY ITEMS FOR THE SCHOOL FOOD AND NUTRITION PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND ALL APPLICABLE DOCUMENT FOR THE SAME

Passed: All present voting "aye."

The following item was considered earlier, following the Public Comment segment and preceding Item VI.B.1.

10. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Greater Kingsport Area Chamber of Commerce, Inc. for the Kingsport Convention and Visitors Bureau (KCVB) Program (AF: 258-2009). Mayor Phillips explained that a request was made at last night's work session to have representatives of the Chamber and KCVB in attendance to address any Board members questions or concerns.

Alderman Joh made a motion, seconded by Alderman Marsh, that the City separate these two entities at the end of this year's agreement to allow them time to prepare for the separation at the end of fiscal year 2010. She believes their missions are different – the Chamber is for business and the KCVB to promote tourism.

Vice-Mayor Mallicote opined that, while the City can control funding, it cannot, technically, control the Chamber's direction and City Attorney Billingsley confirmed that statement. Mr. Mallicote went on to refer to information put together as a result of extensive meetings and conversation that resulted in the agreement being considered.

Alderman Marsh expressed frustration that he had never received any information prior to that received in this meeting's Board packet and the entire Board, as a deliberative body, should have access to any and all documentation available in making decisions. He was further frustrated with the lack of detail included in the agreement's terms.

Extensive Board discussion followed, some Board members in support of going forward as presented, trusting that the Chamber and KCVB also support this agreement, and other members believing the agreement needs to contain further specifics and questioning whether the two organizations can effectively work together to serve the community. Questions and comments arose regarding the function and necessity of the three-person Oversight Committee to be appointed. It was also pointed out that this funding arrangement is approved annually and can be terminated, by either side, with 30 days notice.

Judd Teague, KCVB Executive Director, stated that KCVB's entire staff was in attendance to indicate KCVB's support in moving forward and putting the City first.

Mayor Phillips called for the vote on Alderman Joh's motion to amend and to physically separate the Chamber and KCVB as of July 1, 2010. The motion failed in a roll call vote with Mallicote, Munsey, Parham, Shupe and Phillips voting "nay" and Joh and Marsh voting "aye."

Alderman Marsh indicated he cannot support this agreement in the form presented and without being defined further.

Motion/Second: Mallicote/Parham, to pass:

Resolution No. 2010-034, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE GREATER KINGSPORT AREA CHAMBER OF COMMERCE, INC. FOR THE KINGSPORT CONVENTION AND VISITORS BUREAU PROGRAM

<u>Passed in a roll call vote</u>: Mallicote, Munsey, Parham, Shupe and Phillips voting "aye" and Joh and Marsh voting "nay."

11. Consideration of a Resolution Authorizing Financing for Construction of a Wastewater Facilities Project and Authorizing Execution of all Documents for Such Financing and Other Matters Related Thereto (AF:265-2009). Public Works Director Ryan McReynolds explained the expedited timeframe required by the State to approve this action and described improvements that will be implemented with the financing provided.

Motion/Second: Mallicote/Joh, to pass:

Resolution No. 2010-035, RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING

Passed: All present voting "aye."

E. APPOINTMENTS.

[This item was considered out of order immediately following discussion and consideration of Item VI.D.10. and was followed by consideration of Item VI.D.7.]

1. Consideration of Appointments to the Inaugural Kingsport Convention and Visitors Bureau Oversight Committee (AF: 259-2009).

Motion/Second: Munsey/Mallicote, to approve the following:

APPOINT DR. BILL LOCKE, MR. MIKE O'NEIL AND MR. PAL BARGER TO SERVE ON THE NEWLY FORMED KINGSPORT CONVENTION AND VISITORS BUREAU OVERSIGHT COMMITTEE, EFFECTIVE IMMEDIATELY, FOR A TERM YET TO BE

DETERMINED (AF: 259-2009)
Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Mallicote/Parham, to adopt:

1. Consideration of a Budget Ordinance to Appropriate Grant Funds Received from the State of Tennessee Department of Environment and Conservation for the Local Parks and Recreation Grant (LPRF) to Implement Phase III Enhancements at Domtar Park and Eastman Park and Recreation Trails Program Grant (RTP) for the Construction of a Walking Trail Around the Perimeter of Eastman Park at Horse Creek (AF: 210-2009).

Adopt:

Ordinance No. 5863, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS FROM STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION TO THE K-PLAY PROJECT(GP0911); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of a Budget Ordinance to Accept and Appropriate Funds from the Emergency Communication District of Kingsport for the Purchase of Centracom Elite Radio Dispatch Control Center Consoles (AF: 227-2009).

Adopt:

Ordinance No. 5864, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS RECEIVED FROM THE EMERGENCY COMMUNICATION DISTRICT OF KINGSPORT AND BY TRANSFERRING FUNDS FROM THE POLICE DEPARTMENT COMMUNICATIONS OPERATING BUDGET TO PURCHASE CENTRACOM ELITE RADIO DISPATCH CONTROL CENTER CONSOLES FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance Re-Appointing Valerie Joh as the Designated Alderman for Disposal or Sale of Real Property (AF: 233-2009).

Adopt:

Ordinance No. 5865, AN ORDINANCE APPOINTING A MEMBER OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT AS THE DESIGNATED ALDERMAN PURSUANT TO SECTION 2-462, KINGSPORT CITY CODE, TO DISPOSE OF SURPLUS REAL PROPERTY SUBJECT TO FINAL APPROVAL OF THE BOARD OF MAYOR AND ALDERMEN; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

4. Consideration of an Ordinance Authorizing the Collection of Delinquent Real Property Taxes (AF: 235-2009).

Adopt:

Ordinance No. 5866, AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF DELINQUENT REAL PROPERTY TAXES, PENALTIES AND INTEREST DUE THE CITY OF KINGSPORT FOR THE YEARS 2007 AND PRIOR; BY REFERRING SAME TO THE DELINQUENT TAX ATTORNEY; TO ESTABLISH PROCEDURES FOR SUCH COLLECTION; TO RATIFY AND CONFIRM ALL ACTIONS HERETOFORE TAKEN FOR SUCH COLLECTION; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

5. Consideration of an Ordinance to Amend the FY2010 General Purpose School Fund Budget (AF: 243-2009).

Adopt:

Ordinance No. 5867, AN ORDINANCE TO AMEND THE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

- A. <u>CITY MANAGER</u>. City Manager commended City staff and FunFEST Executive Director Wanda Valentine in another successful year for the City-wide event.
- B. MAYOR AND BOARD MEMBERS. Alderman Marsh asked that the amount spent on FunFEST by the City be provided to Board members.

Alderman Shupe, as Chair of the FunFEST Trashbusters, echoed the kudos to Public Works employees for doing such a great job.

Alderman Joh missed doing Trashbusters this year due to her recent surgery and highly commended the outstanding job to keep the City clean during FunFEST.

Alderman Marsh reported that the Board has received a very good report on City fuel conservation measures and is very pleased with the results.

Alderman Parham reiterated the Mayor's earlier comments about the outstanding work done and results obtained by both the Chamber and KCVB.

Mayor Phillips recognized Boy Scout Noah Pierson of Troop 253, attending and staying through the entire three-hour meeting to work on his merit badge.

C. <u>VISITORS</u>.

Mr. Jon Campbell is a member of the Campaign for Liberty and spoke in appreciation for the Board removing the item from the agenda regarding the proposed gun ban. He thanked the Board for not considering an item he believes is unconstitutional. In response to the Mayor's statement that this was not removed nor had it ever been on the agenda, Mr. Campbell asked for assurance from the Board that it will not be considered in the future.

Dr. Moore of Unicoi County also came to thank the Board for its perceived strong support of the Second Amendment and hope this support spreads to other cities.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 10:10 p.m.

ELIZABETH A. GILBERT Deputy City Recorder DENNIS R. PHILLIPS Mayor



Consideration of an Ordinance Establishing the FY10 Property Tax Rate for City of Kingsport Sullivan and City of Kingsport Hawkins County

T	o:
	rom:

Board of Mayor and Aldermen John G. Campbell, City Manager

Date:

Action Form No.: AF 230-2009 Work Session:

August 3, 2009

First Reading:

August 4, 2009

Final Adoption:

August 18, 2009

Staff Work By:

Smith

Presentation By: Campbell, Smith

Recommendation:

Approve the ordinance.

Executive Summary:

It is recommended that the City of Kingsport Sullivan County tax rate is \$1.94 and the City of Kingsport Hawkins County is \$2.24. The rates were equalized this year and the State of Tennessee certified rate was \$1.9398 for City of Kingsport Sullivan County and \$2.2361 for City of Kingsport Hawkins County.

These proposed rates are based on information received from the Sullivan County Tax Assessor's office and the State of Tennessee State Board of Equalization.

The proposed tax rate is the 3rd lowest in the City's history and the lowest in 25 years. It also represents the positive growth in Kingsport.

The proposed tax rates will produce a levy comparable to last year's levy.

This ordinance will establish the tax rate accordingly.

Attachments:

1. Ordinance

Funding source appropriate and funds are available:		Υ	N.	0
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	Phillips		_	

PRE-FILED CITY RECORDER

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSPORT, SULLIVAN COUNTY AND THE CITY OF KINGSPORT, HAWKINS COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE YEAR 2010; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, the corporate boundaries of the City of Kingsport are situated within the boundaries of Sullivan County and Hawkins County; and

WHEREAS, the local property assessors have prepared assessment rolls of taxation on real, personal and mixed property for the 2009 tax year; and

WHEREAS, a tax rate of \$1.94 for Sullivan County and \$2.24 for Hawkins County will generate revenue adequate to support the Fiscal Year 2009-2010 budget. Now therefore,

BE IT ORDAINED BY THE CITY OF KINGSPORT, TENNESSEE, AS FOLLOWS:

SECTION I. That the City tax on every \$100.00 assessed value of real, personal and mixed property within the corporate limits of the City of Kingsport Sullivan County and not exempt from taxation, shall be \$1.94, to fund current operating expenses of the City government, interest on bonded debt and other disbursements, which are legal obligations of the City of Kingsport; that said taxes received for the year 2010 shall be expended in accordance with the Annual Appropriation Ordinance.

SECTION II. That the City tax on every \$100.00 assessed value of real, personal and mixed property within the corporate limits of the City of Kingsport Hawkins County and not exempt from taxation, shall be \$2.24, to fund current operating expenses of the City government, interest on bonded debt and other disbursements, which are legal obligations of the City of Kingsport; that said taxes received for the year 2010 shall be expended in accordance with the Annual Appropriation Ordinance.

SECTION III. That this ordinance shall take effect from and after the date of its passage as the law directs, the public welfare requiring it.

ATTEST:	DENNIS R. PHILLIPS, Mayor APPROVED AS TO FORM:	
JAMES H. DEMMING, City Recorder		
	J. MICHAEL BILLINGSLEY, City Attorney	
PASSED ON 1ST READING:		
PASSED ON 2ND READING:		



Consideration of an Ordinance to Amend Kingsport City Code Section 114-68 Pertaining to Powers of the Board of Zoning Appeal

To:

Board of Mayor and Aldermen

From:

John G. Campbell, City Manager

Action Form No.: AF-220-2009 Work Session:

July 20, 2009

First Reading/(Public Hearing Held):

July 21, 2009

Final Adoption: August 4, 2009

Staff Work By: Combs, Billingsley

Presentation By: Karen Combs

Recommendation:

Approve the ordinance

Executive Summary:

The request is to amend section 114-68 of the the Kingsport City Code regarding the powers of the Kingsport Board of Zoning Appeals. In review of the zoning code for Kingsport pertaining to the Board of Zoning Appeals, staff realized that the powers granted by the ordinance which was approved in 1981 by the Board of Mayor and Alderman limits the authority of the Board of Zoning Appeals to grant only dimensional variances to property. This ordinance is considerable more restrictive that what TCA 13-7-109 allows. Planning staff, at the request of the Board of Zoning Appeals, asked the City Attorney to draft changes to the ordinance to reflect the state provision of powers granted to the Board of Zoning Appeals. The Kingsport Regional Planning Commission unanimously sent a favorable recommendation for this request during their June 18, 2009 meeting to the Board of Mayor and Alderman. The Notice of Public Hearing was published July 3, 2009.

- 1. Staff Report
- 2. Notice of Public Hearing
- 3. Section 114-68 with changes highlighted
- 4. Zoning Ordinance

Funding source appropriate and funds are available:	
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Consideration of Ordinances to Annex/ Amend Zoning of the RS3 Annexation

To:

Board of Mayor and Aldermen

From:

John G. Campbell., City Manage

Action Form No.: AF: 231-2009 Work Session: July 20, 2009

First Reading/(Public Hearing Held):

July 21, 2009

Final Adoption:

August 4, 2009

Staff Work By: K. Weems Presentation By: K. Weems

Recommendation:

• Approve ordinance for the RS3 annexation

• Approve ordinance amending the zoning ordinance for the RS3 annexation

Executive Summary:

This is the "RS3" annexation of approximately 49 acres along Rock Springs Road with an approximate population of thirty two (32) residents (vacant land single family uses). The current county zoning of the area is A-1 (Agricultural & Residential). The proposed city zoning for the area is R-1B (Single Family). Both water and sanitary sewer require an upgrade for this annexation. During their June 2009 regular meeting, the agreement and Planning Commission voted (7-1) to send a positive recommendation for the annexation, and plan of services to the Board of Mayor and Aldermen for this annexation. This item has received zero opposition as of July 13, 2009. The Notice of Public Hearing was published on July 6, 2009.

- 1. Staff Report
- 2. Notice of Public Hearing
- 3. Cost Analysis
- 4. Annexation Ordinance
- 5. Zoning Ordinance
- 6. Resolution
- 7. Maps

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Consideration of Ordinances to Annex/ Amend Zoning of the RS4 Annexation

To:

Board of Mayor and Aldermen

From:

John G. Campbell, City Manager amplie

Action Form No.: AF: 232-2009 Work Session:

July 20, 2009

First Reading/(Public Hearing Held)

July 21, 2009

Final Adoption: August 4, 2009

Staff Work By: K. Weems Presentation By: K. Weems

Recommendation:

Approve ordinance for the RS4 annexation

Approve ordinance amending the zoning ordinance for the RS4 annexation

Executive Summary:

This is the "RS4" annexation of approximately 23 acres along Rock Springs Road and Snapps Ferry Road with an approximate population of fifteen (15) residents (vacant land single family uses). The current county zoning of the area is A-1 (Agricultural & Residential). The proposed city zoning for the area is R-1B (Single Family). Both water and sanitary sewer require an upgrade for this annexation. During their June 2009 regular meeting,

Kingsport Regional Planning Commission voted (7-1) to send a positive recommendation for the unexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. This item has received zero opposition as of July 13, 2009. The Notice of Public Hearing was published on July 6, 2009.

- 1. Staff Report
- 2. Notice of Public Hearing
- 3. Cost Analysis
- 4. Annexation Ordinance
- 5. Zoning Ordinance
- 6. Resolution
- 7. Maps

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Parham		7	
Shupe		_	_
Phillips	-	_	_



Consideration of Ordinances to Annex/Amend Zoning of the Parker Lane

To:

Board of Mayor and Aldermen

From:

John G. Campbell, City Manager

Action Form No.: AF:-255-2009 Work Session: July 20, 2009 First Reading/(Public Hearing Held):

July 21, 2009

Final Adoption:

August 4, 2009

Staff Work By: J. Meredith

Presentation By: J. Meredith

Recommendation:

Approve ordinance for the Parker Lane Annexation

Approve ordinance amending the zoning ordinance for the Flanders Street annexation

Executive Summary:

This is the "Parker Lane" annexation of approximately 57 acres along Parker Lane and Briarfield Drive with a population of sixty-five residents (single family uses). The property contained in this annexation has been partially petitioned for by a property owner. The current county zoning of the area is R-1 (Low-Density/Single-Family Residential). The proposed city zoning for the area is R-1B (Single Family). Both water and sanitary ver currently serve this annexation area. During their June 2009 regular meeting, the Kingsport Regional nanning Commission voted unanimously to send a positive recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen. Five residents have petitioned for annexation. Two residents opposed the annexation. The Notice of Public Hearing was published on July 6, 2009.

- 1. Staff Report
- 2. Notice of Public Hearing
- 3. Cost Analysis
- 4. Annexation Ordinance
- 5. Zoning Ordinance
- 6. Resolution
- 7. Maps

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Phillips			



Consideration of a Resolution to Authorize the Mayor to Sign a Worksite Agreement with the Alliance for Business and Training, Inc. for a Temporary Worker in the Library

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Board of Mayor and Aldermen

From:

John G Campbell., City Manager

Agenda Form No.: AF-253-2009 Work Session:

August 3, 2009

First Reading:

August 4, 2009

Final Adoption: August 4, 2009

Staff Work: Whittaker Presentation: Whittaker

Recommendation:

Approve the resolution

Executive Summary:

This agreement will allow the Kingsport Public Library to provide a worksite to one student who will be paid by ABT. The student will work approximately 30 hours per week through late August.

- 1. Agreement
- 2. Resolution

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Parham		-	
Shupe		-	
Phillips			



SUMMER WORKS! EMPLOYMENT AND TRAINING PROGRAM

WORKSITE AGREEMENT

BETWEEN ALLIANCE FOR BUSINESS AND TRAINING, INC. AND

Library
Contractor/Agency Name
8 W
Agreement #

The Alliance for Business & Training, Inc. (AB&T) is providing funding for this program under an agreement with the Tennessee Department of Labor and Workforce Development. AB&T, a WIA Title I-financially assisted program/ activity, is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities and/or limited English proficiency.

The purpose of this agreement is to provide meaningful work experience to youth 16-24 who qualify for WIA services in Carter, Johnson, Sullivan, Unicoi and Washington counties during the summer of 2009.

The above parties agree that AB&T will provide Workers' Compensation Insurance for all program participants. AB&T will provide wages for participants at a rate not less than minimum wage. Participant's time will not exceed the following:

- ✓ Maximum 7.5 Hours per Day
- ✓ Hours per week as program approved
- ✓ Training period as program approved

The Contractor agrees to abide by the following conditions:

- Subcontracting The Contractor shall not assign this Agreement or enter into a subcontract for any of the services performed under this Agreement without obtaining the prior written approval of AB&T and the State. If such subcontracts are approved by AB&T and the State, they shall contain, at a minimum, sections of this Agreement pertaining to "Conflicts of Interest," "Lobbying," "Nondiscrimination," "Public Accountability," "Public Notice," and "Records" (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Contractor shall be the prime contractor and shall be responsible for all work performed.
- 2. Nondiscrimination Warrants and assures that no individual shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this agreement or in the employment practices of the Contractor on the grounds of disability, age, race, color, religion, sex, national origin, political affiliation or belief, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Contractor shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

- Conflicts of Interest - Warrants that no part of the Agreement shall benefit directly or indirectly an employee or official of AB&T or the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Contractor in connection with any work contemplated or performed relative to this Agreement.
 - 4. Lobbying Certifies, to the best of its knowledge and belief, that:
 - a. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, and entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this agreement, grant, loan, or cooperative agreement, the Contractor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
 - Shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, sub-grants and agreements under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code.
 - 5. Public Accountability If the Contractor is subject to Tennessee Code Annotated, Title 8, Chapter 4, Part 4 or if this Agreement involves the provision of services to citizens by the Contractor on behalf of the State, the Contractor agrees to establish a system through which recipients of services may present grievances about the operation of the service program, and the Contractor shall display in a prominent place, located near the passageway through which the public enters in order to receive Grant supported services, a sign at least twelve inches (12") in height and eighteen inches (18") in width stating:

NOTICE: THIS AGENCY IS A RECIPIENT OF TAXPAYER FUNDING. IF YOU OBSERVE AN AGENCY DIRECTOR OR EMPLOYEE ENGAGING IN ANY ACTIVITY WHICH YOU CONSIDER TO BE ILLEGAL, IMPROPER, OR WASTEFUL, PLEASE CALL THE STATE COMPTROLLER'S TOLL-FREE HOTLINE: 1-800-232-5454.

- 6. Public Notice All notices, informational pamphlets, press releases, research reports, signs, and similar public notices prepared and released by the Contractor shall include the statement, "This project is funded under an agreement with the Tennessee Department of Labor and Workforce Development. Equal opportunity employer/service provider, auxiliary aids and services are available upon request to individuals with disabilities and/or limited English proficiency." Any such notices by the Contractor shall be approved by AB&T.
- 7. Records The Contractor (and any approved subcontractor) shall maintain documentation for all charges under this Agreement. The books, records, and documents of the Contractor (and any approved subcontractor), insofar as they relate to work performed or money received under this Agreement, shall be maintained for a period of three (3) full years from the date of the final audit of

ABP involving this Agreement and shall be subject to audit at any reasonable time and upon able notice by the state agency, the Comptroller of the Treasury, or their duly appointed representatives. The records of not-for-profit entities shall be maintained in accordance with the Accounting Manual for the Recipients of Grant Funds in the State of Tennessee, published by the Tennessee Comptroller of the Treasury (http://comptroller.state.tn.us/ma/nonprofit/nonprofit1.pdf). The financial statements shall be prepared in accordance with generally accepted accounting principles.

Prohibited Advertising - The Contractor shall not refer to this program or the Contractor's relationship with AB&T or the State hereunder in commercial advertising in such a manner as to state or imply that the Contractor or the Contractor's services are endorsed. It is expressly understood and agreed that the obligations set forth in this section shall survive the termination of this Agreement in perpetuity.

Environmental Tobacco Smoke - Pursuant to the provisions of the federal "Pro-Children Act of 1994" and the Tennessee "Children's Act for Clean Indoor Air of 1995," the Contractor shall prohibit smoking of tobacco products within any indoor premises in which services are provided to individuals under the age of eighteen (18) years. The Grantee shall post "no smoking" signs in appropriate, permanent sites within such premises. This prohibition shall be applicable during all hours, not just the hours in which children are present. Violators of the prohibition may be subject to civil penalties and fines. This prohibition shall apply to and be made part of any subcontract related to this Agreement.

Participants shall not be employed on the construction, operation, or maintenance of any facility that is ur dor to be used for sectarian instruction or as a place of religious worship.

With respect to terms and conditions affecting, or rights provided to, individuals who are participants in activities supported by funds provided under the Workforce Investment Act, such individuals shall not be discriminated against solely because of their status as such participants.

The Contractor agrees to allow access by authorized representatives of AB&T, TDOL, USDOL and OIG to the premises of the Contractor at all reasonable hours for monitoring of the worksites, including counseling with the participants, inspecting safety procedures, and other working conditions.

The Contractor agrees to provide working conditions that will meet health and safety regulations and to abide by the applicable provisions of the Child Labor Act and Tennessee Occupational Safety & Health Act (TOSHA).

No currently employed worker shall be displaced by a work experience participant, including partial displacement such as reduction in the hours of non-overtime work, wages or employment benefits.

Contractors will not knowingly place a participant in a worksite that contains poison ivy, bee infested areas, in chemicals or materials that would cause an allergic reaction.

The Contractor agrees to furnish meaningful work and training for the participants within the purpose and scope of this program and shall furnish equipment, tools, materials or supplies as required to do the assigned. Participants must be continuously occupied with productive work.

The Contractor agrees to the following conditions:

- to adhere to WIA Rules and Regulations including the verification of time and attendance records
- to be in compliance with the Drug-Free Workplace Laws

ail Specific Training to be Offered to Youth by the Worksite
1. making duplicate parcodes
- clear DVDS with DVD mertine
3. file library chool magicantias
4. crente excel norkshots using generalogy information
5
6
7
Additional Worksites
Contact Information
Worksite Contact Person (if known): \[\frac{\frac{1}{ELEN WAITTAKEQ}}{\frac{1}{Email}} \] Title \[\frac{1\text{BARY manney}}{\text{Interpolary}} \] Telephone: (\frac{423}{23})\frac{229-9488}{294-2558} \] Facility Cell: (\frac{1}{23})\frac{229-9488}{294-2558} \] Telephone: (\frac{423}{23})\frac{229-9488}{294-2558} \] Telephone: (\frac{1}{23})\frac{229-9488}{294-2558} \] Telephone: (\frac{1}{23})\frac{1}{229-9488} \]
Job Information
Position Available (One title per form): Jahrany 455/5tant # of Openings:
Worksite Location (i.e. city where working): Kingsont
Work Days: ☑ Monday – Friday ☐ Other (not weekends)
N um Age Required: □ 16-17 □ 18 □ over 21
☐ Outdoors Position ☐ Indoor Position
Skills Needed
☑ Clerical □ Computer □ Communication □ Customer Service □ Manual Dexterity □ Other
Lifting Requirements: ☐ 25 lbs. ☐ 40 lbs. ☐ 50 lbs. ☐ 75 lbs. ☐ More than 75 lbs.
Thing requirements in the last. In the last. In the last in the la
Dress Code Required □ Business ☒ Casual
Detail Specific Training to be Offered to Youth by the Worksite
1.
1
3.
4
5
6

AB&T reserves the right to accept or reject any or all applications. Applications will be evaluated based on the overall quality of the worksite experience. Submitting an application does not guarantee a summer worksite.

- to provide participants with an orientation regarding breaks
- to comply with all requirements as set forth in the supervisor's manual and complete all required
- > to ensure that no participant will be involved in religious or political activities during work hours
- that supervision shall not exceed two (2) participants per supervisor
- to provide supervision to program participants at all times
- > that all supervisors and alternate supervisors will be familiarized and oriented with work
- the work activities described in the attached "Statement of Work" will be performed by the participants, if the activities at the worksite change; the Contractor agrees to notify the AB&T office immediately so this agreement may be modified
- A 'Chemical List' is attached to this agreement which addresses any chemical with which participants 18. may be working with.
- AB&T may unilaterally modify this agreement by memorandum. **19**.
- This agreement shall be effective from the date of execution until completion or termination of the project by either party with one day advance notice or sooner if warranted. 20.

In witness whereof, the parties hereto have executed this agreement as of the date appearing below, and in rigning and thereby validating this worksite agreement, the parties also certify that each possesses legal uthority to contractually bind their respective organizations in their capacity as a signatory official.

Entered into this day of, 2009.	
Alliance for Business and Training, Inc. 386 Highway 91 PO Box 249	Contractor Agency
Elizabethton, TN 37644	Street Address
Telephone: (423) 547-7500	City, State, Zip
	Telephone
	Signatory Official's Signature
Kathy Pierce, Executive Director	Signatory Official 3 Signature
FVCCA	Title

WORKSITE CHEMICAL LIST

County SULLIVAN		
Agency Name KINGS PE	RT PUBLIC LIBRA	I K K
Agency Adress 400 BA	COAD ST, KINGSPOR	T. TN
Instructions:		
	the Summer Works participant he column if a Material Safety I l available MSDS to the Worksi	
Name of Chemical	Check If Chemical	
none	Is To Be Used	MSDS Attacks to
Glue		<u>Attached</u>
Rubber Cement		
White Out		
Ammonia	-	
Bleach		
Floor Finish		
Floor Stripper		
Floor Wax		
Window Cleaner	,	*
Gasoline		
Weed Killer		
Lacquer		
Paint		
Paint Thinner		
Wood Stain		
of .		-
Others Please List:		
N=1		

Detail Specific Training to be Offered to Youth by the Worksite
 Window Cleaning Pressure Cleaning Walkway areas Cleaning a resident room in hospital environment Micro fiber cleaning techniques to avoid cross contamination Laundry techniques and proper handling and storage procedures Customer Service skills in dealing with residents.
Additional Worksites
Contact Information Worksite Contact Person (if known):
Dress Code Required ☐ Business ☐ Casual (jeans, t-shirt and tennis shoes are okay)
Detail Specific Training to be Offered to Youth by the Worksite 1. Maintenance equipment and tools-general use
7. General equipment repairs

AB&T reserves the right to accept or reject any or all applications. Applications will be evaluated based on the overall quality of the worksite experience. Submitting an application does not guarantee a summer worksite.

RESOLUTION NO
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE ALLIANCE FOR BUSINESS AND TRAINING, INC. FOR A STUDENT WORKER IN THE KINGSPORT PUBLIC LIBRARY
WHEREAS, the city desires to enter into an agreement with the Alliance for Business and Training, Inc. to provide a student worker for the Kingsport Public Library; and
WHEREAS, the student will be paid by the Alliance for Business and Training, Inc.; and
WHEREAS, the student will work approximately 30 hours per week through late August;
Now therefore,
BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:
SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, an agreement with Alliance for Business and Training, Inc. for a student worker for the Kingsport Public Library.
SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.
ADOPTED this the 4th day of August, 2009.
DENNIS R. PHILLIPS, MAYOR ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Execute all Do

Necessary and Proper to Apply for a	and Receive Arts Builds Community Grant from the
Tennessee Arts Commission.	The second secon
To: Board of Mayor and Alderm From: John G. Campbell, City Ma	nager mysbell
Action Form No.: AF- 260-2009 Work Session: August 3, 2009 First Reading: August 4, 2009	Final Adoption: August 4, 2009 Staff Work By: Bonnie Macdonald Morris Baker Presentation By: Bonnie Macdonald
Recommendation: Approve the Resolu	
workshop. Grant awarded will be matched kind work on project). The total amount ap	Commission Arts Build Community is an annual grant used to provide the community with a Carousel Horse carving 1:1 from previously budgeted Cultural Arts Staff salary (insplied for shall not exceed \$3,000. Grant application is due ber 2009 and awarded for Fiscal Year 09-10 in by October 1,
Attachments:	
1. Resolution	
Funding source appropriate and funds are avai	Y N O

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ARTS BUILDS COMMUNITY GRANT FROM THE TENNESSEE ARTS COMMISSION FOR A CAROUSEL HORSE CARVING WORKSHOP

RESOLUTION NO.

WHEREAS, the city desires to apply for and receive an annual grant from the Tennessee Arts Commission to provide the community with a carousel horse carving workshop; and

WHEREAS, the grant requires a 1 to 1 match, which will come from previously budgeted cultural arts staff salary (in-kind work on project); and

WHEREAS, the total amount applied for will not exceed \$3,000.00; and

WHEREAS, grant applications are due August 29, 2009, will be evaluated September 2009, and awarded by October 1, 2009;

Now therefore.

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive grant funds from the Tennessee Arts Commission in the amount not to exceed \$3,000.00 for a carousel horse carving workshop.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 4th of August, 2009.

ATTEST:	DENNIS R. PHILLIPS, MAYOR		
JAMES H. DEMMING, CITY RECORDER APPROVED AS TO F	EOPM:		
	Ortivi.		

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Execute all Documents

Necessary and Proper to Apply for and Touring Arts Grants from the Tennessee Arts

Commission.

Commission.	a rioper to Apply for and	Touring Arts Grants Holli the Telliessee Al	15
	Board of Mayor and Aldermen ohn G. Campbell, City Manag	6 Campbell	
Action Form No Work Session: First Reading:	:: AF- 261-2009 August 3, 2009 August 4, 2009	Final Adoption: August 4, 2009 Staff Work By: Bonnie Macdonald Morris Baker Presentation By: Bonnie Macdonald	
Recommendati	ion:		
Approve the Re	solution.		
Executive Sum	mary:		
this grant will be Grant awarded warded of the artist fee.	used to support Cultural Arts will be matched 1:1 from prev The total amount applied fo	ant Program is an annual grant category. Funding fr Division's Art Night/City Lights performing arts serie ously budgeted contract labor category for up to one r shall not exceed \$8,000. Grant application is due aluated and awarded on a rolling schedule.	es. e-half
Attachments:			
1. Resolution	on		
Funding source ap	ppropriate and funds are availab	e:Y N Joh Mallicote Marsh Munsey Parham Shupe Phillins	0

R	ES	OL	TU.	NOI	NO.	

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TOURING ARTS GRANT FROM THE TENNESSEE ARTS COMMISSION

WHEREAS, the city desires to apply for and receive an annual grant to support the Cultural Arts Division's Art Night/City Lights performing arts series from the Tennessee Arts Commission Touring Arts Grant Program; and

WHEREAS, the grant requires a match on a 1 to 1, which will come from previously budgeted contract labor category for up to one-half of the artist fee; and

WHEREAS, the total amount applied for shall not exceed \$8,000.00; and

WHEREAS, grant applications are due 30 days prior to the performance;

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive grant funds, for the Cultural Arts Division's Art Night/City Lights performing arts series from the Tennessee Arts Commission Touring Arts Program in the amount not to exceed \$8,000.00.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 4th of August, 2009.

ATTEST:	DENNIS R. PHILLIPS, MAYOR			
JAMES H. DEMMING, CITY RECORDER				
APPROVED AS TO I	FORM:			
I MICHAEL BILLING	SI EV CITY ATTORNEY			

Phillips



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Execute all Documents

Necessary and Proper to Apply for and Receive Technical Assistance Grant from the

Tennessee Arts Commission.

Tennessee Arts (Commission.			
To: Board From: John	d of Mayor and Aldermen G. Campbell, City Manager	delp		
Work Session:	AF- 262-2009 August 3, 2009 August 4, 2009	•	August 4, 2009 Bonnie Macdonald Morris Baker Bonnie Macdonal	
Recommendation:				
Approve the Resolu	tion.			
Executive Summar	<u>y:</u>			
assistance in a varied city with a Cultural F operating budget. T	mmission Technical Assistance Gra ety of forms. Funding from this gran Plan. Grant awarded will be matche The total amount applied for shall no d awarded for Fiscal Year 09-10 in	t will be used to bed 1:1 from previous exceed \$3,500	hire a consultant to ously budgeted Cul . Grants will be ev	provide the Itural Arts
Attachments:				
1. Resolution				
Funding source appro	priate and funds are available:		Joh Mallicote Marsh Munsey Parham Shupe	Y N O

R	ES	OL	UT	ION	NO.	

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TECHNICAL ASSISTANCE GRANT FROM THE TENNESSEE ARTS COMMISSION

WHEREAS, the city desires to apply for and receive a grant from the Tennessee Arts Commission to hire a consultant to provide the city with a cultural plan; and

WHEREAS, the grant requires a 1 to 1 match, which will come from the previously budgeted cultural arts operating budget; and

WHEREAS, the total amount applied for will not exceed \$3,500,00; and

WHEREAS, grant application will be evaluated September 2009 and awarded by October 1, 2009;

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive grant funds for the Tennessee Arts Commission in the amount not to exceed \$3, 500.00 for the purpose of hiring of a consultant to provide the city with a cultural plan.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 4th of August, 2009.

ATTEST:	DENNIS R. PHILLIPS, MAYOR
JAMES H. DEMMING, CITY RECORDER	
APPROVED AS TO	FORM:
J. MICHAEL BILLING	GSLEY, CITY ATTORNEY



Consideration of a Resolution Authorizing a Change Order to the Agreement with Duco Construction to Complete Section 1 of the Reedy Creek Greenbelt (W. Sullivan Street to Cloud Park).

To:

John G Campbell, City Manager

From:

Action Form No.: AF-264-2009

Work Session:

August 3, 2009

First Reading:

August 4, 2009

Final Adoption: August 4, 2009

Staff Work By: Bill Albright & Kitty Frazier Presentation By: Bill Albright & Kitty Frazier

Recommendation:

Approve resolution.

Executive Summary:

On February 11, 2009 the City entered in to a contract with Duco, Incorporated to construct a new section of the Greenbelt between Cherokee Village and Cloud Park for \$247,401.85. For budgeting purposes, City ordinance allows for a contingency line item on these contracts up to 6% which, in this case, equals \$14,844.11. However, any change orders that create a cost increase above the 6% must be approved by the BMA. A change order has been issued for \$17,104.79 (or approximately 7%), thus requiring Board approval. Per the project Architect/Engineer, Spoden and Wilson, the change order includes additional reinforced concrete pipe, additional chain link fencing (at Fairway Ford), unexpected excavation, and additional rock "remedial fill" in an area around the new bridge near Center Street. This will bring the total Greenbelt contract to \$264,506.64. Staff recommends the BMA approve the change order. In addition, it should be noted that the entire contract, including the change order, is covered by a federal grant (80%) along with the City's matching funds (20%).

Attachments:

- 1. Resolution
- 2. Change Order

	Y	N	0
Funding source appropriate and funds are available: Yes Joh			_
Mallicote		_	
Marsh Munsey		_	
Parham		-	_
Shupe		_	_
Philline	_	_	

A RESOLUTION APPROVING A CHANGE ORDER TO THE AGREEMENT WITH DUCO CONSTRUCTION TO COMPLETE SECTION 1 OF THE REEDY CREEK GREENBELT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

WHEREAS, the city executed an agreement with Duco Construction on February 11, 2009 to construct a new section of the Greenbelt between Cherokee Village and Cloud Park for \$247,401.85; and

WHEREAS, various additions, including reinforced pipe, additional chain link fencing (at Fairway Ford), unexpected excavation, and additional rock "remedial fill" in an area around the new bridge near Center Street are necessary resulting in additional costs of \$17,104.79; and

WHEREAS, the additional costs will bring the total Greenbelt contract to \$264,506.64;

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That a Change Order to the agreement with Duco Construction for the additional work, including reinforced pipe, additional chain link fencing, unexpected excavation, and additional rock "remedial fill" in an area around the new bridge near Center Street expenses to complete section 1 of the Reedy Creek Greenbelt in the amount of \$17,104.79, is approved.

SECTION II. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, all documents necessary and proper to effectuate the Change Order to the agreement with Duco Construction to provide for these additional expenses.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 4th day of August, 2009.

	DE	NNIS R. PHILLIPS, MAYOR
ATTEST:		
JAMES H. DEMMI	NG, CITY RECORDER	
	APPROVED AS TO FOR	M:
	J. MICHAEL BILLINGSLE	Y, CITY ATTORNEY

CHANGE ORDER

(Instructions on reverse side)	No.		
PROJECT: State Project No.: 82956-3664-94 Federal Project No.: STP-EN-8200(24) OWNER: PIN: 030829.01 City of Kingsport, Reedy (W. Sullivan Street to Cloud Park (Section			
Address) City of Kingsport 225 West Center Street CONTRACTOR: Kingsport, Tennessee 37660	OWNER's Project No		
DUCO Construction, LLC General Contractors 293 High Point Drive	ENGINEER: Spoden & Wilson, Consulting Engineers 214 Commerce Street Kingsport, Tennessee 37660		
CONTRACT FOR: Johnson City, Tennessee 37601 Construction of 2,350± LFT Greenbelt Path Including Elevated Bridge and Alley Delineation	ENGINEER's Project No. 2147B		
Concrete Pipe and 244 LFT Additional Removal and 180 c.y. of unsuitable ma stone remedial fill. Purpose of Change Order: Revise Contract / Agreement F			
Support documentation for extra quanti CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:		
Original Contract Price 247,401.85	Original Contract Time August 1, 20090 ending date		
revious Change Orders No. One to No	Net change from previous Change Orders 65		
	days		
ontract Price prior to this Change Order 247,401.85	Contract Time Prior to this Change Order October 5, 2009 ending date		
et Increase (december) of this Change Order 17,104.79	Net Increase (decrease) of this Change Order N/A		
ontract Price with all approved Change Orders 264,506.64	Contract Time with all approved Change Orders October 5, 2009 ending date		
ontract Price with all approved Change Orders 264,506.64	Contract Time with all approved Change Orders		

EJCDC No. 1910-8-B (1983 Edition)

State Project No. 82956-3664-94 Federal Project No.: STP-EN-8200(24) PIN: 030629.01 City of Kingsport Reedy Creek Greenbelt W. Sullivan Street to Cloud Park (Section 1)

Change Order No. Two

Item No. 11. Removal of Existing Fencing:	Quantity 110 LFT	Bid Unit Cost \$2.59 / LFT	=	<u>Cost</u> \$284.90
Item No. 12. Additional Fencing:	144 LFT	\$14.25 / LFT	=	\$2,052.00
16.18" RCP Replacement	32 LFT	\$34.00 / LFT	=	\$1,088.00
3. Undercut Excavation	180 c.y.	\$22.05 / c.y x 1.5 multiplier	. =.	\$5,953.50
17. Rip-Rap (Surge) Stone	323.28 Tons	\$23.90 / Ton	=	\$7,726.39

Total Change Order No. Two = \$17,104.79

Attached is pricing from DUCO Construction, LLC for 32 LFT of 12" Reinforced Concrete Pipe (RCP) to replace unforeseen damaged existing concrete pipe draining Branch Street across construction area. Damage was caused by excavating equipment and heavy equipment utilized to construct the path. Replacement of existing piping with Reinforced Concrete Pipe (RCP) was dictated by the type of existing piping and by the City of Kingsport Public Works Department Standards.

DUCO CONSTRUCTION, LLC.

General Contractors - Design/Build

203 High Point Drive Johnson City, TN 37601 Phone: 423.929.0900 Fax: 423.202.3119

June 2, 2009

Price Quotation

Re: Reedy Creek Greenbelt Project State Project # 82956-3664-94 Federal Project # STP-EN-8200(24)

Att: Spoden & Wilson Consulting Engineers 214 Commerce Street Kingsport, Tennessee 337660 Mr. Steve Wilson

Remove and Replace 32 L.F. of 12" Class III T & G Concrete Pipe at rear of Fairaway Ford. This pipe provides drainage from Branch Drive to Reedy Creek. Existing Pipe was not noted on drawings. Attached are before and after drawings and pipe submittals.

32 L.F. @ \$34 L.F. = \$1,088.00

PECELVED

RECEIVED

SPODEN & WILSON Consulting Engineers





Concrete priducts company

P.O. Box 2049, 100 Beacon Poad, Bristol VA/Tiy 24203 276-869-5332 FAX 1-276-069-2120 TOLL FREE 1-800-662-5332



Facking Slip No. 36087

Page 1 of 1

Bill Tar

CASH CUSTOMER

Bristol, VA

Step Data

05/22/2009

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Cust Pick-up

FOR

YARD

Terms Salosperson

Jon Griffith

Your Order

331-717-11

Our Order

18245

Sign For

CASH CUSTOMER

DUCO CONSTRUCTION JOHNSON CITY, TENNESSEE

Order Qtv Slav Oty. Part ID

Description

32

32 12 CL HI

12" Class 3 T&G Pipe SJT

t

1 1/2 03

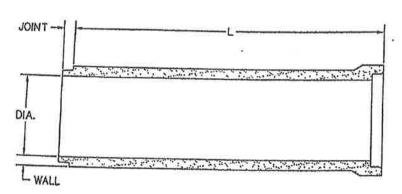
26 per roll

1/2" Con-Seal

DELIVERY BY OUR TRUCKS TO A JOBSITE IS LIMITED TO TWO HOURS UHLOADING TIME: AFTER WHICH THERE WILL BE A CHARGE OF 140.00 PER HOUR FOR EACH ADDITIONAL HOUR OUR TRUCK IS DELAYED AT THE JOBSITE.

L ORDERS QUOTED F.O.B. JOBSITE TO ACCESSIBLE LOCATION. ALL PIPES BROKEN BY PERMATILE ASSOCIATION BY LISTED ON THIS TICKET FOR CREDIT.

RECEIVEDBY



TYPICAL SECTION

PIPE	WALL/	JOINT/	WEIGHT		MA	XIMUM CO	VER
DIA.	INCHES	INCHES	PER FOOT		CL. III	CL. IV	CL. V
12"	2.00"	3.0"	100	8'	14'	19'	29'
15"	2.25"	3.0"	140	8'	14'	19'	29'
*18"	2.75"	2,0"	195	8'	14'	20'	29'
21"	2.75"	3.5"	245	B'	14'	20'	29,
*24"	3.00"	2.5"	295	8,	14'	20'	29'
27"	3.25"	3.5"	350	8,	14'	20'	29'
30"	3.50"	3.5"	400	8,	14'	20'	59,

^{* 18&}quot;0 & 24"0 ARE FURNISHED AS (NO BELL) STRAIGHT WALL PIPE.

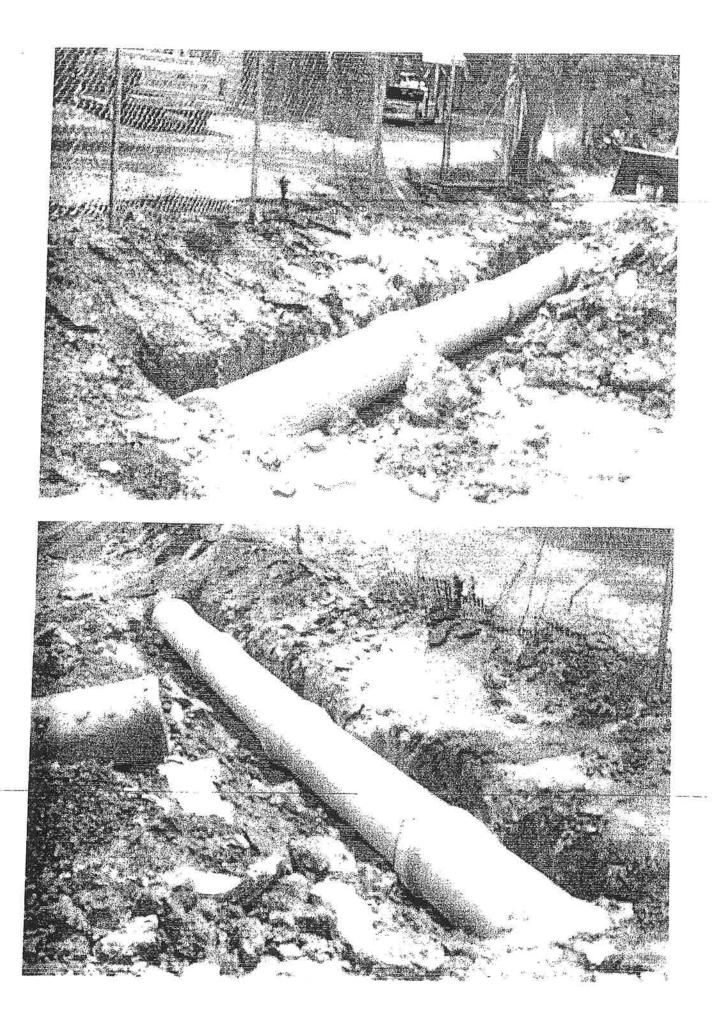
MANUFACTURED PER ASTM C-76.
REINFORCING NOT SHOWN.
PIPE FURNISHED IN CLASS III, IV, OR V AS SPECIFIED.
HEIGHTS OF COVER SHOWN ARE FOR FINISHED CONSTRUCTION.
ALL PIPE SUITABLE FOR H-20 LIVE LOAD.
SEAL PIPE JOINTS W/ MORTAR OR BUTYL RESIN SEALANT
AS REQUIRED.

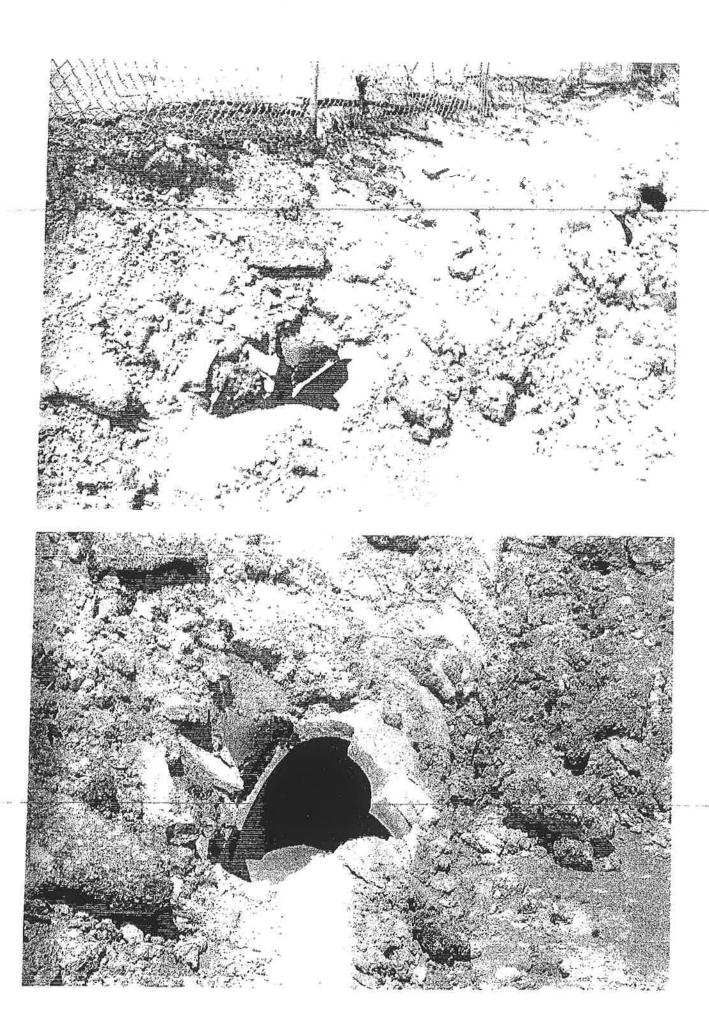


100 BEACON RO., P.O. BOX 2049, BRISTOL, VA. 24203, FAX (278) 869-2120

ASTM C-76
REINFORCED CONCRETE PIPE
12"ø - 30"ø

DWG NO: CP-002	
SCALE: 0.5"=1'-0'	1
DRWN BY: JMH	
DATE: 7/5/00	
CHKD BY: HDH	
REV NO:	







Following is pricing for 180 c.y. of undercut excavation to remove unsuitable soils adjacent to reedy creek at, or near, the northeast approach to the new Pedestrian Bridge crossing Reedy Creek. In-field measured undercut calculations / quantities are as follows:

```
20' \times 32' \times 5' avg. depth = 3,200 cu. ft. / 27 = 118 c.y. 18' x 10' avg. width x 5' avg. depth = 900 cu. ft. / 27 = 33 c.y. 16' x 10' x 5' avg. depth = 800 cu. ft. / 27 = 29 c.y. Total field measured undercut = 180 c.y.
```

180 c.y undercut x \$22.05 / c.y x 1.5 multiplier = \$5,953.50

323.28 Tons Rip-Rap (Surge) Stone remedial fill in undercut areas (323.28 Tons / 180 c.y = 1.8 Tons / c.y. - ok) (Also confirmed by delivery tickets)

323.28 Tons x \$23.90 / Ton = \$7,726.39Total remedial undercut excavation and stone fill costs: \$13,679.89

** see attached unit cost pricing for the Rip-Rap (Surge) Stone from DUCO Construction, LLC, dated June 30, 2009

DUCO CONSTRUCTION, LLC.

General Contractors - Design/Build

203 High Point Drive Johnson City, TN 37601 Phone: 423.929.0900 Fax: 423.202.3119

June 30, 2009

Price Quotation

Re: Reedy Creek Greenbelt Project State Project # 82956-3664-94 Federal Project # STP-EN-8200(24)

Att: Spoden & Wilson Consulting Engineers 214 Commerce Street Kingsport, Tennessee 337660 Mr. Steve Wilson

1. Rip Rap stone

\$ 23.90/ ton

August 4, 2009

C. McCartt, D. Mason



AGENDA ACTION FORM

Consideration of a Resolution Authorizing a Change Order for the V.O. Dobbins Community Center Project and Authorizing the Mayor to Execute all Documents **Necessary for the Change Order.**

To:	Board of Mayor and
From:	John G. Campbell

Board of Mayor and Aldermen
John G. Campbell, City Manager

Action Form No.: AF-273-2009 Work Session: August 3, 2009

Final Adoption: Staff Work By:

First Reading: August 4, 2009 Presentation By: Campbell

Recommendation: Approve the resolution.

Executive Summary:

Change Order No. 1 provides for additional costs as a result of unsuitable and unstable soil conditions encountered during the project. The conditions resulted in the removal of unsuitable soil and replacement with additional structural backfill material at the west parking areas and the three story building addition. The change order amount is \$115,450.31

Change Order No. 2 provides for additional costs as a result of unsuitable soil conditions encountered during the two story classroom building addition portion of the project. In addition, this change order provides for various changes to the specifications for the roofing, electrical, and hardware for the project, as well as the costs for removing some sports lighting poles and trees that were necessary for construction. The change order amount is \$60,807.25.

Note that these change orders only pertain to a portion of the project area. The soil conditions at the gymnasium addition and the north parking area have yet to be determined. In addition, there are anticipated change orders for using fire rated glass in some windows as required by the Fire Marshall, as well as the pending Riverview Community Center addition.

The funds for this change order are available in project GP0907.

Attachments:

		Y	_ N	_0
1. Resolution	Joh Mallicote	_	_	_
2. Change Order No. 1	Marsh		-	-
•	Munsev	_	_	_
3. Change Order No. 2	Parham	_	_	_
	Shupe	-	-	-
Funding source appropriate and funds are available:	Phillips		_	-
i diding source appropriate and funds are available.	1 11111193	-	_	_

RESOL	UTION I	NO.

A RESOLUTION APPROVING CHANGE ORDERS #1 AND #2 TO THE CONTRACT WITH J.A. STREET & ASSOCIATES, INC. FOR THE ADDITIONS AND ALTERATIONS TO THE EXISTING V.O. DOBBINS COMMUNITY CENTER AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDERS

WHEREAS, the City of Kingsport entered a contract with J.A. Street & Associates on May 4, 2009 for the Additions and Alterations to the V.O. Dobbins Community Center; and

WHEREAS, unsuitable and unstable soil conditions were encountered during the project resulting in the removal of unsuitable soil and replacement with additional structural backfill material at the west parking areas, the three story building addition and the classroom building addition; and

WHEREAS, various revisions to the roofing, electrical and hardware specifications have been made and other unforeseen conditions have been encountered resulting in additional costs; and

WHEREAS, the City of Kingsport desires to increase the scope of the contract to provide for these additional costs in accordance with the unit rates established by the contract in the amount of \$176,257.56, necessary to complete the project; and

WHEREAS, funding is available in Project GP0907.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That Change Order #1 to the contract with J.A. Street & Associates for the Additions and Alterations to the V.O. Dobbins Community Center, to provide for the removal of unsuitable soil and replacement with additional structural backfill material at the west parking areas and the three story building addition in the amount of \$115,450.31, is approved.

SECTION II. That Change Order #2 to the contract with J.A. Street & Associates for the Additions and Alterations to the V.O. Dobbins Community Center, to provide for various changes in the scope of work in the amount of \$60,807.25, is approved.

SECTION III. That the Mayor, or in his absence, incapacity, or failure to act, the

Vice Mayor, is authorized to execute, in a form approved by the City Attorney, all documents necessary and proper to effectuate Change Orders #1 and #2 to the contract with J.A. Street & Associates for the Additions and Alterations to the V.O. Dobbins Community Center.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 4th day of August, 2009.

	DENNIS R. PHILLIPS, MAYOR
ATTEST:	
JAMES H. DEMMING, CITY RECORD	ER
APPROVED AS T	O FORM:
I MICHAEL BILLI	NICSI EV CITY ATTORNEY

AIA® Document G701 – 2001

Change Order

PROJECT (Name and address);	CHANGE ORDER NUMBER: 001	OWNER: 🖾
VO Dobbins Community Center 301 Louis Street	DATE: 7/10/2009	ARCHITECT: 🔯
Kingsport, TN 37660		CONTRACTOR:
TO CONTRACTOR (Name and address):	ARCHITECT'S PROJECT NUMBER: 200	712
J.A. Street & Associates, Inc.	CONTRACT DATE: <i>5</i> /4/2009	FIELD:
245 Birch Street Blountville, Tn 37617	CONTRACT FOR: VO Dobbins Commu	ınity Center OTHER: ☐
THE CONTRACT IS CHANGED AS FOLLOW (Include, where applicable, any undispute Undercut NW parking area of Non-Profit Non-Profit Building pad undercut = \$28,0 Non-Profit foundation undercut = \$46,488 Foundation Undercut at Column 2:J-F = \$Excavation & control fill for 5 test pits = \$Foundation undercut along Column line I Credit for deleting one 12" cmu foundatio Reduce Owner's Allowance = (\$48,856.95 Total Change Order = \$115,450.31	d amount attributable to previously exec. = \$70,140.00, 50.00, 3.20, 8,666.42, 84,524.08, EL-F = \$8,747.86, in course = (\$2,309.10),	uted Construction Change Directives)
The original Contract Sum was The net change by previously authorized Contract Sum prior to this Change On The Contract Sum will be increased by this The new Contract Sum including this Change The Contract Time will be changed by Nir	der was s Change Order in the amount of nge Order will be nc (9) days.	\$ 5,938,000.00 \$ 0.00 \$ 5,938,000.00 \$ 115,450.31 \$ 6,053,450.31
The date of Substantial Completion as of to NOTE: This Change Order does not include been authorized by Construction Change I in which case a Change Order is executed NOT VALID UNTIL SIGNED BY THE ARC	e changes in the Contract Sum, Contract Directive until the cost and time have been to supersede the Construction Change Di	Time or Guaranteed Maximum Price which have n agreed upon by both the Owner and Contractor, rective.
CainRashWest Architects ARCHIFECT (Firm name)	J.A. Street & Associates, Inc. CONTRACTOR (Firm name)	City of Kingsport OWNER (Firm name)
130 Regional Park Drive	245 Birch Street	,
Kingsport Tn 37660	Blountville, Tn 37617	225 West Center Street Kingsport, TN 37660
ADDRESS	ADDRESS	ADDRESS
Minery D. alest		
BY (Signature)	BY (Signature)	BY (Signature)
Dincen B. West	J. A. Street	
(Typed name)	(Typed name)	(Typed name)
7/10/09		
DATE	DATE	DATE

J.A. Street & Associates, Inc.

PROPOSED CHANGE ORDER No. 00002

P. O. Box 725 245 Birch Street 3lountville, TN 37617

Phone: 423-323-8017 Fax: 423-323-1065

TITLE: Change Order No. 2

DATE: 7/20/2009

PROJECT: VO Dobbins Community Center

JOB: 9249

TO:

Attn: John Campbell

CONTRACT NO:

Subtotal

\$60,807.25

1

City of Kingsport 225 West Center Street Kingsport, TN 37660

Phone: 423-229-9412

DESCRIPTION OF PROPOSAL

Item	Description	Quantity	Units	Unit Price	Net Amount
00001	Classroom undercut	832.00	Су	\$15.00	\$12,480.00
00002	Classroom foundation undercut:	82.00	Су	\$105.00	\$8,610.00
00003	Undercut Classroom parking area.	1127.00	Су	\$15.00	\$16,905.00
00004	Use standard Marion Roofing flashing in lieu of Hickman flashing.	1.00		(\$22,000.00)	(\$22,000.00)
00005	Change roofing membrane from EPDM to TPO.	1.00		\$11,550.00	\$11,550.00
00006	Waterproof elevator pit.	1.00		\$840.00	\$840.00
00007	Add brick pilaster where the Non-Profit addition abuts the existing structure near column line 1. Reference ASI #3.	1.00		\$1,493.00	\$1,493.00
00009	Remove (4) trees near the Classroom building and Gymnasium.	3.00	EA	\$2,100.00	\$6,300.00
90010	Credit on course of foundation block at the Classroom building.	-239.00	EA	\$4.30	(\$1,027.70)
0011	Remove (3) existing sport light poles. Price does not include relocating the pole. Poles to remain on site.	1.00		\$2,483.00	\$2,483.00
00012	Addendum # 5: Electrical	1.00		\$13,846.00	\$13,846.00
00013	Addendum # 5: Hardware Changes	1.00		\$9,536.00	\$9,536.00
00014	Adendum # 5: Install handrail on top of Catering roof.	1.00		\$935.00	\$935.00
00015	Reduce Owner Allowance	1.00	12	(\$1,143.05)	(\$1,143.05)

APPROVAL:	
Ву:	By:
John Campbell	J.A. Street
Date:	Date:

Expedition ®



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper for the Purchase of Two Properties from the Industrial Development Board of the City of Kingsport, Tennessee for the Riverwalk Redevelopment Project

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	v	

Board of Mayor and Aldermen

From:

John G. Campbell., City Manager

Agenda Form No.: AF 272-2009 Work Session: First Reading:

August 3, 2009

Staff Work: August 4, 2009

Final Adoption: August 4, 2009 C. McCartt/J. Smith

Presentation: Chris McCartt

Recommendation:

Approve the Resolution

Executive Summary:

Approval of this resolution will allow the City of Kingsport to purchase two properties from the Kingsport Industrial Development Board. These properties were purchased in order to have the necessary property for the development of the public plaza, which will be funded through an ARC grant, as identified in the master plan for the riverfront redevelopment (please refer to the supplemental information). The purchase price of \$145,571.18 for the two properties includes the purchase price for each along with the necessary legal fees. Funding for the purchase of these properties was included in the already approved bond issue for the Riverwalk project.

Attachments:

- 1. Resolution
- 2. Location Map

	Y	N	0
Joh	= :		_
Mallicote		-	
Marsh			_
Munsey	_		
Parham	_		
Shupe	_		_
Phillips	_	_	
rininpa		_	

RESOLUTION NO.	ESOLUTION NO.	
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A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF TWO PROPERTIES FROM THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE FOR KINGPSPORT RIVERWALK PROJECT

WHEREAS, the city needs the property located at 109 and 125 Barton Street for the development of a public plaza; and

WHEREAS, the Industrial Development Board of the City of Kingsport, Tennessee has acquired the properties; and

WHEREAS, Industrial Development Board of the City of Kingsport, Tennessee is prepared to sell these properties to the city for the amount the Industrial Development Board paid to acquire the properties; and

WHEREAS, the funding for the purchase of the property is contained in GP0913 Riverwalk Project; Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN as follows:

SECTION I. That the designated alderman is authorized to offer \$145,571.18 for the purchase of the real property located at 109 and 125 Barton Street in Kingsport, from the Industrial Development Board of the City of Kingsport, Tennessee, subject to such conditions as deemed appropriate by the designated alderman in consultation with the city attorney, including such conditions as usually required by the city for acquisition of real property.

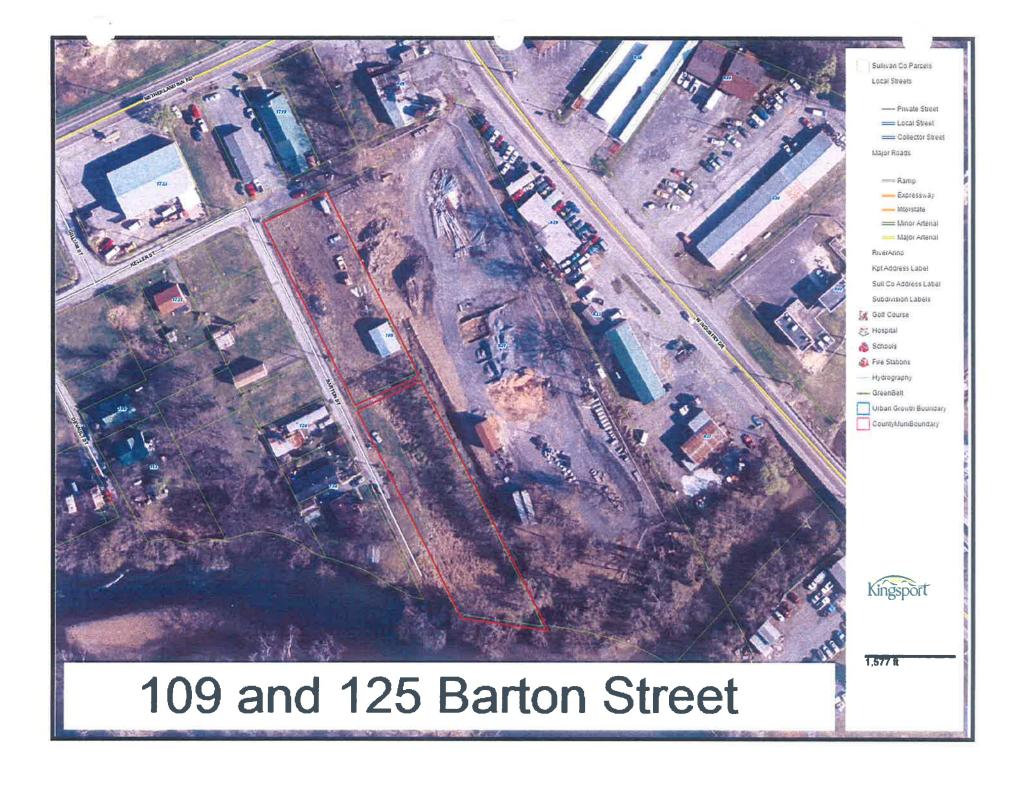
SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized to execute, in a form approved by the city attorney, an agreement, and all other documents necessary and proper to effectuate the purpose of the agreement, to purchase 109 and 125 Barton Street in Kingsport for \$145,571.18 from the Industrial Development Board of the City of Kingsport, Tennessee subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport.

SECTION III. That this resolution shall take effect immediately upon its adoption, the public welfare requiring it.

ADOPTED this the 4th day of August, 2009.

ATTEST:	DENNIS R. PHILLIPS, MAYOR	
JAMES H. DEMMING, CITY RECORDER		
APPROVED AS TO F	FORM:	
,		

J. MICHAEL BILLINGSLEY, CITY ATTORNEY





AGENDA ACTION FORM

Consideration of a Resolution to Amend FY2010 Fee Resolution Regarding Charge for **Compost Bins**

To:

Board of Mayor and Aldermen

From:

John G. Campbell, City Manager

Action Form No.: AF-270-2009 Work Session: First Reading:

August 3, 2009

August 4, 2009

Final Adoption:

August 4, 2009

Staff Work By:

R. McReynolds

Presentation By: R. McReynolds

Recommendation: Approve the resolution.

Executive Summary:

In April 2008, the City of Kingsport in conjunction with Keep Kingsport Beautiful, added to the municipality's range of green initiatives by implementing a backyard composting pilot program. As anticipated, the City has received great results from the pilot program.

To proceed with the next phase of the program, the backyard composting program was presented to the Board of Mayor and Aldermen at its July 20, 2009 work session. The BMA recommended the purchase of four hundred (400) composting bins and making them available, at cost, to the public.

The FY2010 fee resolution will require amendment to establish pricing for purchase of the compost bins at the City's cost of \$30.00 each...

Attachments:

Resolution

Y	N	0
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RESOLUTION NO. 2010-

A RESOLUTION TO AMEND RESOLUTION NO. 2009-293 AND RATES, FEES AND CHARGES THEREIN

WHEREAS, it is now deemed advisable to amend Resolution No. 2009-293 with Supplement No. 1 to set fees under Chapter 90 – Solid Waste, for various fees; and

WHEREAS, various fees and charges provided for in the City's Code of Ordinances must be set and amended by resolution of the Board of Mayor and Aldermen.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Kingsport, Tennessee as follows:

SECTION I. That Resolution No. 2009-293 amended, effective August 1, 2009, by this resolution as follows:

Chapter 90 – Solid Waste

A. Removal or Garbage and Trash

Multifamily Residential Complex units collected from 96-gallon carts, per month\$10.00
2. Business and Professional Complex collected from 96-gallon carts, per month, per business One Cart
3. Construction waste material, per ton\$80.50
Note: This fee will be assessed to the property owner for any construction waste placed along the right-of-way.
4. Purchase or Replacement of 96-gallon Cart\$60.00
5. Purchase or Replacement of 32-gallon Cart
6. Purchase of Replacement of 48-gallon Cart\$60.00
7. Purchase of 80-gallon Compost bin\$30.00
Note: This service shall be available to single family occupied homes or residences.
8. Appliance, per pickupFree

City of Kingsport, Tennessee, Resolution No. 2009-____, August 4, 2009 Ref: AF: 270-2009

9. Carpet, per pickup	\$25.00
10. Discarded furniture, p	er pickupFree
	kup, annual fee to be billed monthly \$264.00
	tion shall become effective August 1, 2009 and remain as it is revoked, further amended, or superseded.
ADOPTED this 4th day of A	August, 2009.
	DENNIS R. PHILLIPS, Mayor
ATTEST:	
ELIZABETH A. GILBERT Deputy City Recorder	
	APPROVED AS TO FORM:
	J. MICHAEL BILLINGSLEY, City Attorney



AGENDA ACTION FORM

Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Submit a Pre-Application for the Recreational Trails Program (RTP) Grant Process Administered by the Tennessee Department of Environment and Conservation for **Domtar Park**

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	v.	

Board of Mayor and Aldermen

From:

John G. Campbell, City Manager

Action Form No.: AF-268-2009

Work Session

August 3, 2009

First Reading:

August 4. 2009

Final Adoption: August 4, 2009

Staff Work By: Morris Baker/ Chris

McCartt/ Kitty Frazier

Presentation By: Chris McCartt/ Kitty

Frazier

Recommendation: Approve the resolution.

Executive Summary:

The U.S. Department of Transportation manages the Recreational Trails Program through the Federal Highway Administration (FHWA). The RTP is a State-administered, Federal-aid program. The Governor designated the Department of Environment and Conservation, Recreation Educational Services (TDEC-RES) to administer the program.

Although the full grant application is due February 5, 2010, a pre-application showing environmental clearances and a project summary is due as a part of the grant process no later August 21, 2009. The application will focus on constructing a walking trail around the west side perimeter of the park. The maximum dollar amount which may be awarded is \$100,000. Each grant requires a 20 percent local match. The amount to be applied for will be determined at a later date.

Attachments:

Resolution

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Parham			
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Shupe			
Phillips			
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A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO SUBMIT A PRE-APPLICATION TO THE TENNESSEE DEPARTMENT ENVIRONMENT AND CONSERVATION FOR THE RECREATIONAL TRAILS PROGRAM AT DOMTAR PARK

WHEREAS, The U.S. Department of Transportation manages the Recreational Trails Program through the Federal Highway Administration (FHWA); and

WHEREAS, the Recreational Trails Program is a state-administered, federal-aid program; and

WHEREAS, the grant application will focus on constructing a walking trail around the west side perimeter of Domtar Park; and

WHEREAS, the pre-application for the grant is due no later than August 21, 2009 and will show environmental clearances and a project summary; and

WHEREAS, the full grant application is due February 5, 2010; and

WHEREAS, the maximum dollar amount awarded through the grant is \$100,000, which amount to be applied for will be determined at a later date; and

WHEREAS, the grant requires a 20 percent match;

Now therefore.

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, and subject to the requirements of Article X. Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to submit a preapplication showing environmental clearances and a project summary to apply for and receive grant funds from the Tennessee Department of Environment and Conservation for the Recreational Trails Program at Domtar Park.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare ______

requiring it.		
ADOPTED this the 4th day of August, 2009.		
ATTEST:	DENNIS R. PHILLIPS, MAYOR	
JAMES H. DEMMING, CITY RECORDER APPROVED AS TO FORM:		

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



Consideration of a Resolution Authorizing the Mayor to Execute and Intergovernmental Agreement with Sullivan County for Acquisition of Real Property Commonly Known as the Old Lynn View School Stadium and Ball Fields; and Authorizing the Mayor to Execute all Other Documents Necessary and Proper to Acquire the Property.

From: John G.	Campbell., City Manager	gracy
Agenda Form No.:	AF 275 - 2009	Final Adoption: August 4, 2009
Work Session:	August 3, 2009	Staff Work: Campbell, Billingsley, McCartt
First Reading:	August 4, 2009	Presentation: Campbell/McCartt

Recommendation: Approve the Resolution

Board of Mayor and Aldermen

Executive Summary:

To:

Approval of this resolution will allow the City to formally take ownership of the former Lynn View athletic fields, as seen on the attached map, for the amount of one dollar. The City intends to invest One Hundred Thousand Dollars (\$100,000.00) in cash, in addition to any in-kind expenditure, over the next two years to improve the property as seen in the attached concept plan which is still being developed.

At	tachments:		Y	N	0
1) 2)		Joh Mallicote Marsh Munsey Parham Shupe			y
		Phillips			

DESOL	UTION I	NO
KESUL	U I IUN I	NU.

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH SULLIVAN COUNTY FOR ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS THE OLD LYNN VIEW SCHOOL STADIUM AND BALL FIELDS; AND AUTHORIZING THE MAYOR TO EXECUTE ALL OTHER DOCUMENTS NECESSARY AND PROPER TO ACQUIRE THE PROPERTY

WHEREAS, Sullivan County, Tennessee is agreeable to transfer ownership to the city of the real property commonly known as the old Lynn View school stadium and ball fields subject to certain conditions; and

WHEREAS, Sullivan County and the city are agreeable to execute an Intergovernmental Agreement establishing the conditions for the transfer of the property; and

WHEREAS, Sullivan County will quitclaim the property to the city for \$1.00 subject to a reversionary clause reciting that should the city cease to provide the property to the community for recreational space the property will revert to Sullivan County; and

WHEREAS, the city will expend the sum of One Hundred Thousand Dollars (\$100,000.00) in cash, in addition to any in-kind expenditure, over the next two years to improve the property according to a concept plan attached to the agreement as Exhibit A;

Now therefore.

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, an Intergovernmental Agreement between the County of Sullivan, Tennessee and the City of Kingsport, Tennessee all documents necessary and proper for the city to acquire the property and effectuate the purpose of the agreement, which will be essentially in the form as follows:

INTERGOVERNMENTAL AGREEMENT

This Agreement is made and entered into effective as of the ____ day of _____, 2009, by and between Sullivan County, Tennessee, a political subdivision of the State of Tennessee (hereinafter "Sullivan County"), and Kingsport, Tennessee, a municipality within the State of Tennessee (hereinafter "Kingsport").

WITNESSETH

Whereas, Sullivan County wishes to transfer property commonly known as the old Lynn View School stadium and ball fields (the "Property") to Kingsport in exchange for

certain commitments by Kingsport; and

Whereas, in consideration thereof, Kingsport agrees and commits to provide the Property to the community as recreational space, to maintain the Property as recreational space, and to undertake, perform and complete certain agreed upon improvements to the Property;

NOW, THEREFORE, for and in consideration of the premises and the covenants and agreements herein set forth, the parties hereto agree as follows:

1) The Property is located in the 12th Civil District of Sullivan County,
Tennessee and is more particularly described as follows:

Parcel 1: BEGINNING at a point in the easterly line of Nelms Lane 207.8 feet southerly along said line from its intersection with the southerly line of Walker Street, corner to property conveyed by Josephine A. Nelms to Sullivan County; thence with the divisional line of Ben Nelms property and said Josephine A. Nelms property N. 77° 30' E., 823.92 feet to a point, corner to the parcel conveyed as a street in Deed Book 198A, Page 279; thence a new line and with the aforesaid street parcel S. 12° 30' E. 200 feet to a point, southwesterly corner of said street parcel; thence a new line, it being the northerly line of the third parcel described in Deed Book 198A, Page 279 and being dedicated as a street, S. 77° 30' W., 880.33 feet to the easterly line of said Nelms Lane; thence with the easterly line of Nelms Lane N. 3° 15' E., 207.8 feet to the point of BEGINNING, containing 3.91 acres, more or less, and being the same property conveyed to Sullivan County, Tennessee by Deed dated September 8, 1959 of record in the Register's Office for Sullivan County at Blountville, Tennessee in Deed Book 198A, page 279.

Parcel 2: BEGINNING at the point of intersection of the easterly line of Nelms Lane with the southerly line of Walker Street, northeasterly corner of the property herein conveyed; thence with said line of Walker Street N. 77° 30' E. 767.51 feet to a point, corner to the parcel conveyed for a street in Deed Book 198A, Page 278; thence with a new line and with the street parcel, said new line being parallel and 50 feet westerly from the westerly line of Lot 1 of Lynn View Subdivision, S. 12° 30' E. 200 feet to a point in line of Ben Nelms property, a new corner; thence with the divisional line of Josephine A. Nelms property and Ben Nelms property S. 77° 30 W., 823.92 feet to its intersection with the easterly liner of Nelms Lane; thence with the easterly line of Nelms Lane, N. 3° 15' E., 208.8 feet to the Point of BEGINNING, containing 3.65 acres, more or less; and being the same property conveyed to Sullivan County by Deed dated September 8, 1959 of record in the Register of Deed's Office for Sullivan County at Blountville, Tennessee in Deed Book 198A, Page 278.

2) Sullivan County will quitclaim the Property to Kingsport for One Dollar (\$1.00) subject to a reversionary clause to be contained in the deed providing that should Kingsport cease to provide the Property to the community as recreational space and to maintain the property as recreational space that the Property will automatically

revert back to Sullivan County.

- 3) Kingsport agrees and commits to provide the Property to the community as recreational space and to maintain the Property as recreational space.
- 4) Kingsport agrees to spend the sum of One hundred thousand dollars (\$100,000.00) in cash over the next two (2) years to improve the Property according to the Concept Plan attached hereto as Exhibit "A" in addition to any in-kind expenditures.

		SULLIVAN COUNTY, TENNESSEE
	BY:	STEVE GODSEY, County Mayor
Attest:		
JEANIE GAMMON, County Clerk		CITY OF KINGSPORT, TENNESSEE
	BY:	DENNIS R. PHILLIPS, Mayor
Attest:		DEIGHIS R. PHILLIPS, Mayor
City Pacardar		

Exhibit A follows

ADOPTED this the 4th day of August, 2009.				
ATTEST:	DENNIS R. PHILLIPS, MAYOR			
JAMES H. DEMMING, CITY RECORDER				
APPROVED AS TO	FORM:			
J. MICHAEL BILLING	GSLEY, CITY ATTORNEY			

welfare requiring it.

SECTION II. That this resolution shall take effect from and after its adoption, the public

INTERGOVERNMENTAL AGREEMENT

This Agreement is made and entered into effective as of the	day of
, 2009, by and between Sullivan County, Tennessee, a political subdiv	vision of the
State of Tennessee (hereinafter "Sullivan County"), and Kingsport, Tennessee, a 1	nunicipality
within the State of Tennessee (hereinafter "Kingsport").	

WITNESSETH

Whereas, Sullivan County wishes to transfer property commonly known as the old Lynn View School stadium and ball fields (the "Property") to Kingsport in exchange for certain commitments by Kingsport; and

Whereas, in consideration thereof, Kingsport agrees and commits to provide the Property to the community as recreational space, to maintain the Property as recreational space, and to undertake, perform and complete certain agreed upon improvements to the Property;

NOW, THEREFORE, for and in consideration of the premises and the covenants and agreements herein set forth, the parties hereto agree as follows:

1) The Property is located in the 12th Civil District of Sullivan County, Tennessee and is more particularly described as follows:

Parcel 1: BEGINNING at a point in the easterly line of Nelms Lane 207.8 feet southerly along said line from its intersection with the southerly line of Walker Street, corner to property conveyed by Josephine A. Nelms to Sullivan County; thence with the divisional line of Ben Nelms property and said Josephine A. Nelms property N. 77° 30' E., 823.92 feet to a point, corner to the parcel conveyed as a street in Deed Book 198A, Page 279; thence a new line and with the aforesaid street parcel S. 12° 30' E. 200 feet to a point, southwesterly corner of said street parcel; thence a new line, it being the northerly line of the third parcel described in Deed Book 198A, Page 279 and being dedicated as a street, S. 77° 30' W., 880.33 feet to the easterly line of said Nelms Lane; thence with the easterly line of Nelms Lane N. 3° 15' E., 207.8 feet to the point of BEGINNING, containing 3.91 acres, more or less, and being the same property conveyed to Sullivan County, Tennessee by Deed dated September 8, 1959 of record in the Register's Office for Sullivan County at Blountville, Tennessee in Deed Book 198A, page 279.

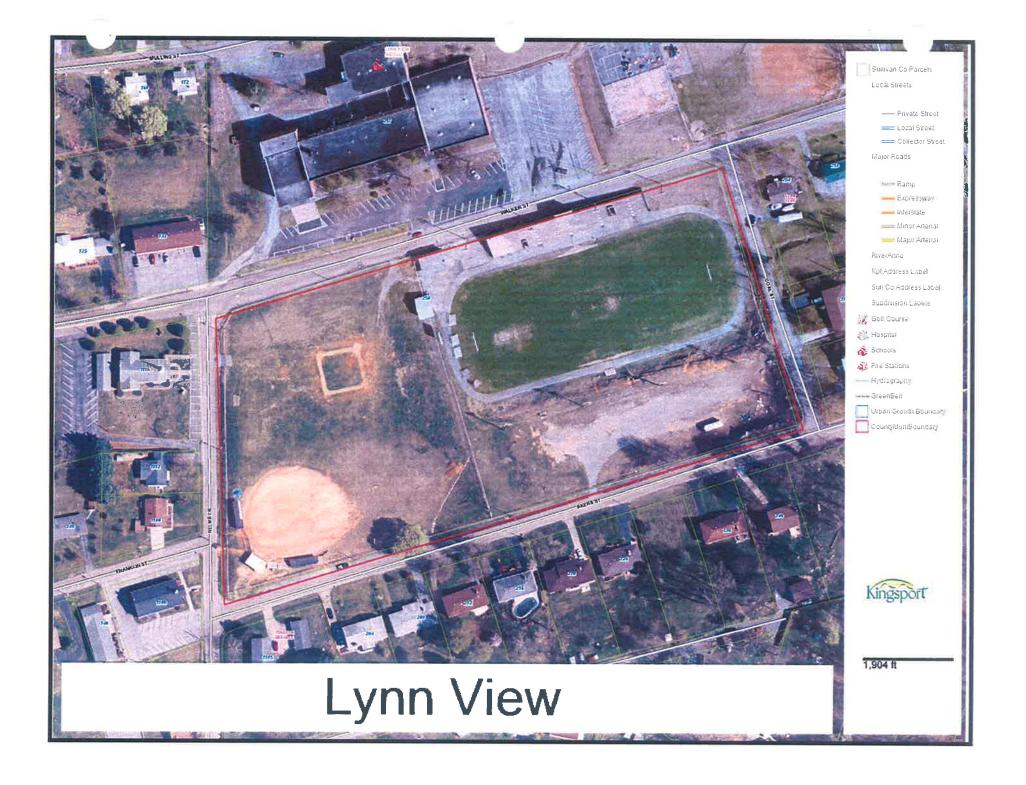
Parcel 2: BEGINNING at the point of intersection of the easterly line of Nelms Lane with the southerly line of Walker Street, northeasterly corner of the property herein conveyed; thence with said line of Walker Street N. 77° 30' E. 767.51 feet to a point, corner to the parcel conveyed for a street in Deed Book 198A, Page 278; thence with a new line and with the street parcel, said new line being parallel and 50 feet westerly from the westerly line of Lot 1 of Lynn View Subdivision, S. 12° 30' E. 200 feet to a point in line of Ben Nelms property, a new corner; thence with the divisional line of Josephine A. Nelms

property and Ben Nelms property S. 77° 30 W., 823.92 feet to its intersection with the easterly liner of Nelms Lane; thence with the easterly line of Nelms Lane, N. 3° 15' E., 208.8 feet to the Point of BEGINNING, containing 3.65 acres, more or less; and being the same property conveyed to Sullivan County by Deed dated September 8, 1959 of record in the Register of Deed's Office for Sullivan County at Blountville, Tennessee in Deed Book 198A, Page 278.

- 2) Sullivan County will quitclaim the Property to Kingsport for One Dollar (\$1.00) subject to a reversionary clause to be contained in the deed providing that should Kingsport cease to provide the Property to the community as recreational space and to maintain the property as recreational space that the Property will automatically revert back to Sullivan County.
- 3) Kingsport agrees and commits to provide the Property to the community as recreational space and to maintain the Property as recreational space.
- 4) Kingsport agrees to spend the sum of One hundred thousand dollars (\$100,000.00) in cash over the next two (2) years to improve the Property according to the Concept Plan attached hereto as Exhibit "A" in addition to any in-kind expenditures.

SULLIVAN COUNTY, TENNESSEE

	BY:	STEVE GODSEY, County Mayor
Attest:		
JEANIE GAMMON, County Clerk	3-14 0:	CITY OF KINGSPORT, TENNESSEE
	BY:	DENNIS R. PHILLIPS, Mayor
Attest:		, ,
CITY RECORDER		





Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Apply and Receive a Tennessee Agricultural Enhancement Program - Community **Tree Planting Project Grant**

To:

Board of Mayor and Aldermen

From:

John G. Campbell, City Manager

Action Form No.: AF-269-2008

Work Session

August 3, 2009

First Reading:

August 4. 2009

Final Adoption: August 4

Staff Work Bv:

Morris Baker/ Lewis Bausell

Presentation By: Staff

Recommendation:

Approve the resolution.

Executive Summary:

The TAEP (Tennessee Agricultural Enhancement Program) grant funds for community tree planting were provided by the 2008 State Legislature to the Tennessee Department of Agriculture. The goal of TAEP community tree planting grants is to increase the tree resource base in cities and towns across the State of Tennessee. It is NOT to provide beautification. Trees are work horses for our communities, providing energy savings through shading, storm water mitigation through rain interception, and air quality improvement through filtration and absorption. Beautification should not be used as an objective for a TAEP tree planting project.

The city is eligible to apply for up to \$20,000 with a dollar for dollar cash match required. This match will be provided from money in the budget for trees from the regional sales tax and visitor enhancement program.

The school system is a partner in the grant and will be implementing a project through the agricultural class at Dobyns-Bennett.

Attachments:

1. Resolution

	_Y.	N	0
loh		-330	
Mallicote			Ξ
Marsh			
Munsey			
Parham	_	_	
Shupe			
Phillips	_	_	_





State of Tennessee Department of Economic and Community Development

Division of Community Development Wm. R. Snodgrass TN Tower, 10th Floor 312 Rosa L. Parks Avenue Nashville, Tennessee 37243-1102 615-741-2373/Fax: 615-741-0607

Rick Meredith Assistant Commissioner

April 7, 2009

The Honorable Dennis R. Phillips Mayor 225 West Center Street Kingsport, Tennessee 37660-4237

Re: 2009 ARC Kingsport Riverwalk Plaza

Dear Mayor Phillips:

Governor Bredesen is recommending the above referenced project for funding in the amount of \$250,000 to the Appalachian Regional Commission. The application forms have been sent to your pre-application preparer.

Please submit the application to our office by June 1, 2009 to the attention of Paula Lovett. All local funds/match should be in place by August 31, 2009.

No construction contracts are to be signed until you have written approval on the project. If you need to proceed before approval is given, you must request a waiver.

If you have any questions, please contact Paula Lovett at (615) 253-1895.

Sincerely,

Rick Meredith Alternate Member

Appalachian Regional Commission

State of Tennessee

RM:plf

cc: Gray Stothart

RESOLUTION NO.	R	ES	OL	UTI	ON	NO.	
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A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A COMMUNITY TREE PROJECT GRANT FROM THE TENNESSEE AGRICULTURAL ENHANCEMENT PROGRAM

WHEREAS, the city desires to apply for and receive a grant for a community tree project from the Tennessee Agricultural Enhancement Program; and

WHEREAS, the city is eligible to apply for up to \$20,000 with a dollar for dollar cash match; and

WHEREAS, the grant is to increase the tree resource base in cities and towns across the state of Tennessee, providing energy savings through shading, storm water mitigation and air quality improvement, not for beautification; and

WHEREAS, the school system is a partner in the grant and will be implementing a project through the agricultural class as Dobyns-Bennett;

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive grant funds, for a community tree planting project from the Tennessee Agricultural Enhancement Program in the amount not to exceed \$20,000.00.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 4th of August, 2009.

ATTEST:	DENNIS R. PHILLIPS, MAYOR
JAMES H. DEMMING, CITY RECORDER	
APPROVED AS TO F	FORM:
J. MICHAEL BILLING	SLEY, CITY ATTORNEY

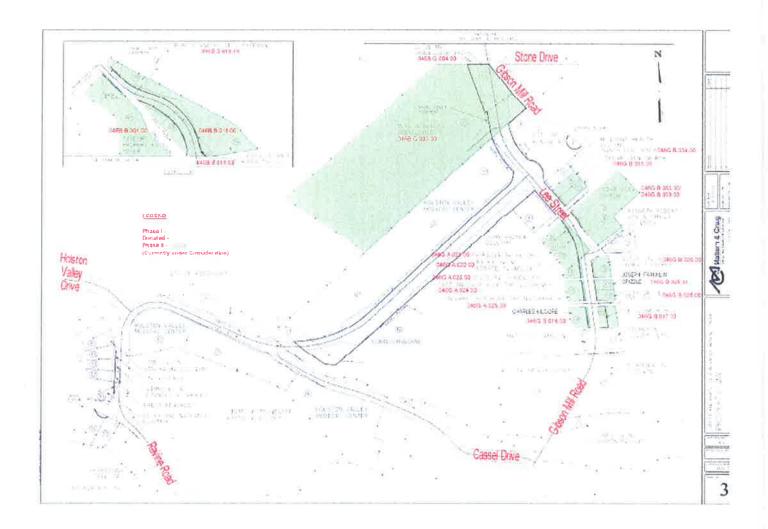
Parham Shupe Phillips



AGENDA ACTION FORM

Consideration of a Resolution to Condemn in Fee Property for Phase II of the Gibson Mill Road Realignment Project and Motion to Approve Settlement of Condemnation

To: Board of Mayor and Aldermen From: John G. Campbell, Sity Manager	phell	
Action Form No: AF-277-2009	Final Adoption: August 4, 2009	
Work Session: August 3, 2009	Staff Work By: R. Trent, M. Thompson	
First Reading: August 4, 2009	Presentation By: M. Billingsley	
Recommendation: Approve the resolution and set	tlement.	
Executive Summary:		
In order to start the construction of Phase II of the Construction has been prepared authorizing and direction proceedings to acquire in fee property that cannot be owners of 103 West Stone Drive, Clyde M. Grosed agreed to resolve the property issue for the amount necessary property through condemnation. This previously acquired from Mr. Clyde M. Groseclose, map further identifying the subject property will be professed the acquisition has been prepared in accordance Acquisition Policies & Procedures. The property property. The Board of Mayor and Aldermen appropriate Board of Mayor and Aldermen approve the settlessed in the Board of Mayor and Aldermen approve the Board of Mayor and Aldermen approve the settlessed in the Board of Mayor and Aldermen approve the	recting the city attorney to institute condemnation be voluntarily secured from property owners. Close, Jr., Ruth G. Land and Rita Groseclose, has to \$215,000.00 if the city agrees to acquire property is located adjacent to the property the Jr. known as the golf cart property. A larger so provided at the August 3 work session. An appraisance with the City of Kingsport's Real Property owners have also obtained an appraisal of oved the right-of-way purchase for this property atted Alderman Valerie Joh, it is recommended to	tion The ave the city cale isal erty the
Attachments:		
 Ordinance #5655 Resolution 		
Funding source appropriate and funds are available:		! = =



ORDINANCE NO. 5655

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, the construction of the Public Works Projects are deemed a matter of highest priority for the public health, welfare, safety and convenience of the citizens and the public at large; and

WHEREAS, pursuant to the provisions of Tenn. Code Ann. Section 7-35-101 et seq., the City has embarked upon the accomplishment of the herein named Public Works Project in accordance with the terms and provisions of said Act; and

WHEREAS, the City is empowered by ordinance, in accordance with the provisions of Article I, Section 2, Subsection 9 of the Charter, to condemn property, real or personal, or any easement, interest, estate or use therein, either within or without the City, for present or future public use, and in accordance with the terms and provisions of the general law of the State regarding eminent domain; and

WHEREAS, it may become necessary in the accomplishment of the herein named Public Works Projects to initiate litigation to acquire property, real or personal, or any easement, interest, estate or use therein, in connection with the herein named Public Works Project; and

WHEREAS, time is of the essence in the accomplishment of the herein named Public Works Project,

Now therefore,

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. In accordance with the provision of Article I, Section 2, Subsection 9 of the Charter, the City Attorney is hereby authorized and directed to initiate eminent domain proceedings to condemn property, real or personal, or any easement, interest, estate or use therein, for the accomplishment of the following Public Works Project:

Gibson Mill Road Realignment Project

SECTION II. That since time is of the essence in the expeditious acquisition of property, real or personal, or any easement, interest, estate or use therein, to accomplish the foregoing stated purposes, the City Attorney is further directed to proceed forthwith to institute eminent domain proceedings as authorized by Resolution.

DENNIS R. PHILLIPS, Mayor

ATTEST:

Deputy City Resard

APPROVED AS TO FORM:

Miaralasle J. MICHAEL BILLINGSLEY,

PASSED ON 1ST READING: February 5, 2008

PASSED ON 2ND READING: February 19, 2008

A RESOLUTION TO AUTHORIZE CONDEMNATION PROCEEDINGS FOR PHASE II OF THE GIBSON MILL ROAD REALIGNMENT PROJECT AND APPROVE SETTLEMENT OF CONDEMNATION

WHEREAS, the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, has accorded completion of Phase II of the Gibson Mill Road Realignment Project a priority; and

WHEREAS, the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, by passage of Ordinance #5655 authorized and directed the city attorney of the City of Kingsport to institute condemnation proceedings upon direction by resolution of the Board of Mayor and Aldermen in the event that the necessary right-of-way cannot be voluntarily acquired; and

WHEREAS, the City of Kingsport, Tennessee has tendered to the owners of record its offer to purchase a potion of certain property located at 103 West Stone Drive situated in the 11th Civil District of Sullivan County, to-wit:

Clyde M. Groseclose, Jr., Rita Groseclose and Ruth G. Land

WHEREAS, the property owners of 103 West Stone Drive, Clyde M. Groseclose, Jr., Rita Groseclose and Ruth G. Land have agreed to resolve the property request issue for the amount of \$215,000.00 if the city agrees to acquire the necessary property through condemnation.

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT, TENNESSEE, as follows:

Section I. That the recommendation of the Public Works Department to initiate condemnation proceedings to secure the referenced property is well taken and is hereby approved;

Section II. That the city attorney of the City of Kingsport, Tennessee, is hereby authorized to institute condemnation proceedings to acquire in fee a portion of the property located at 103 West Stone Drive situated in the 11th Civil District of Sullivan County, to-wit:

Clyde M. Groseclose, Jr., Rita Groseclose and Ruth G. Land

Section III. That pursuant to the appraisals of property indicating the fair market values, the city attorney is authorized to settle the condemnation lawsuit for \$215,000.00 to acquire a portion of 103 West Stone Drive, subject to such conditions as deemed appropriate by the designated alderman in consultation with the city attorney, including such conditions as usually required by the city for acquisition of real property.

ADOPTED this the 4th day of August, 2009.

ATTEST:	DENNIS R. PHILLIPS Mayor
ELIZABETH A. GILBERT Deputy City Recorder	APPROVED AS TO FORM:
	J. MICHAEL BILLINGSLEY City Attorney



Consideration of Reappointment to the Kingsport Beverage Board

To: From:	Board of Mayor and Aldermen John G. Campbell, City Manager	mybell		
Action For Work Sess First Read	sion: August 3, 2009		gust 4, 2009 y Clerk Liz G yyor Dennis F	
Recomme Board.	endation: Approve the reappointment	of Mr. Gregory Easley to the	e Kingsport E	Beverage
Executive	Summary:			
September additional	v is currently serving as vice chairman r 2006, which term will expire on Au three-year term on the Beverage Boa reappointed to a third term, effective S	gust 31, 2009. Mr. Easle rd, if approved by the Boar	y has agree d of Mayor a	d to serve an
Attachmer	nts:			
1. Biograp	ohy of Gregory Easley			
Funding sou	urce appropriate and funds are available:_	N/A	Joh Mallicote Marsh Munsey Parham Shupe Phillips	Y N O

Gregory Easley

1537 Belmeade Drive Kingsport, TN 37664

(423) 392-4054/home (423) 247-3847/business

- Greg and his wife, Mary, have lived in Kingsport for nearly 20 years, having located here from Memphis via Murfreesboro.
- Owner and operator of Kingsport Cycles located at 2531 East Stone Drive, Kingsport.
- His wife, Mary, has been a teacher for over 30 years and currently teaches kindergarten at Lincoln Elementary.
- Member of Kingsport Beverage Board since appointment in July of 2005 and currently serving as Vice Chairman.
- Attends church at First Presbyterian Church.



Consideration of an Ordinance to Waive Receipt of a Portion of School Bond Proceeds Issued by Hawkins County in Consideration of Agreement to Receive an Equal Amount for City School Capital Projects

_	
To:	Board of Mayor and Aldermen
From:	John G. Campbell City Manager

Action Form No.: AF-248-2009 Work Session: July 20, 2009

First Reading/(Business Matters Held):

July 21, 2009

Final Adoption August 4, 2009
Staff Work By: Demming/Billingsley
Presentation By: Mike Billingsley

Recommendation: Approve the ordinance.

Executive Summary:

Attached is an ordinance which waives the city's right to receive a portion of the proceeds of school bonds expected to be issued by Hawkins County in the very near future in return for an agreement with Hawkins County to pay for the cost of certain authorized projects for and as directed by the city.

Hawkins County is planning to issue approximately \$19,150,000 in school bonds in the summer of 2009. Because the city operates a school system T.C.A. § 49-3-1003 requires the county to pay a portion of these bond proceeds to the city based on its ADA percentage in Hawkins County, currently 4.8930% or approximately \$937,000.

See Supplemental Information.

Attachments:

- Supplemental Information
- 2. Ordinance
- 3. Agreement
- 4. Hawkins County Resolution

Funding source appropriate and funds are available:		Υ	N	0
	Joh			
	Mallicote	-	_	_
	Marsh Munsey	_	_	-
	Parham	_		-
	Shupe		_	
	Phillips			



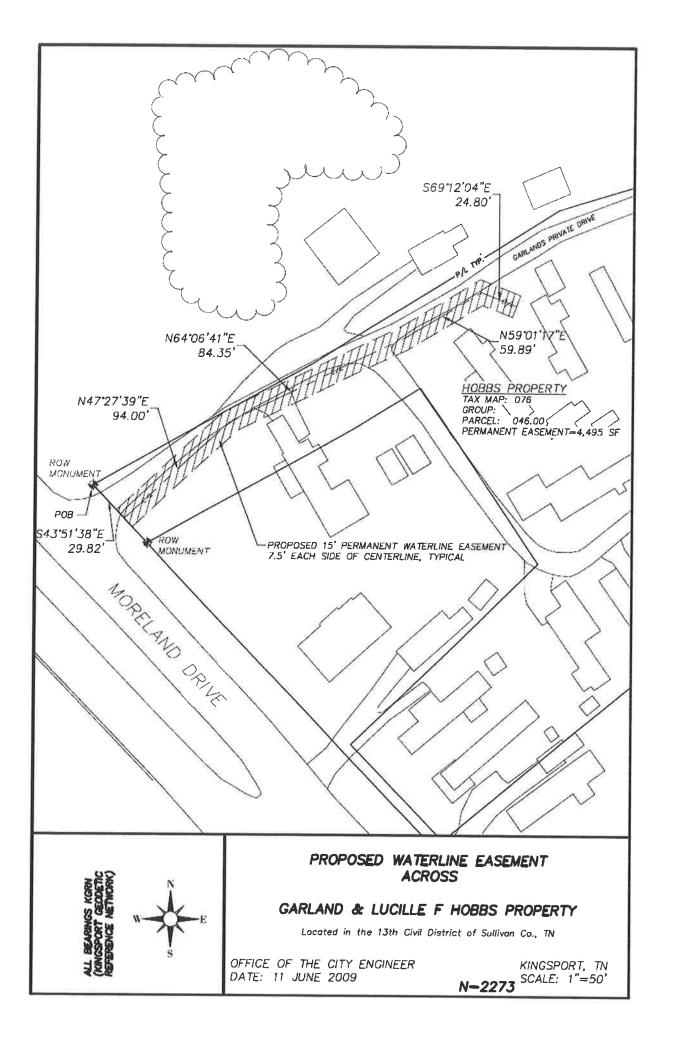
Consideration of an Ordinance to Amend the Debt Service Fund, Regional Sales Tax Fund, and Meadowview Fund

	Board of Mayor and Aldermen John Campbell, City Manager	& Carrystely	
Work Session:	o.: AF214-2009 July 20, 2009 Business Matters Held):	Final Adoption: Augus Staff Work By: Smith Presentation By: J. Car	
Recommenda Approve the or			
Executive Sur	nmary:		
Conference C	end clean up ordinance for Fiscal enter budget by appropriating spense at year end.	Year 09. This ordinance will \$128,900 from the Regiona	amend the Meadowview Il Sales Tax Fund for
to cover the general interest earning	ice Fund will be amended by appr eneral fund interest. The Genera gs that were in fund balance. To be appropriated from fund balance	al Fund interest payments wer o shore up the system with th	re made from prior year
Attachments:			
1. Ordinance			
Funding source ap	propriate and funds are available:		Joh Mallicote Marsh Munsey Parham Shupe



Consideration of an Approval of Offers for Easements and Right-of-Ways for the Garland Private Drive Water Line Extension Project

To: Board of N From: John G. C	layor and Aldermen ampbell, City Manager	rell		
Action Form No.: A	F-263-2009	Final Adoption:	August 4, 2	2000
	igust 3, 2009	Staff Work By:	R. Trent, S.	
First Reading: Au	ugust 4, 2009	Presentation By:	R. McReyno	
Recommendation:	Approve the offer.			· ·
Executive Summa	ry:			
has been prepared	existing water lines in the Morela has requested right-of-way and a in accordance with the City of icates the fair market values as pe	easement across aff Kingsport's Real Pro	ected proper	ty An approise
Tax Map & Parcel Appraised V	Property Owner alue	Easement Area	a	_
#076; #046.00	Garland & Lucille Hobbs 178 Anco Place Kingsport, Tennessee 37664	Perm. 4,495 sq	ı. ft.	\$950.00
This project is funde	d under #411-5004-501-9001.			
Attachments:				
1. Project Location M	aps			
Funding source approp	oriate and funds are available:		Joh Mallicote Marsh Munsey Parham Shupe Phillips	Y N O



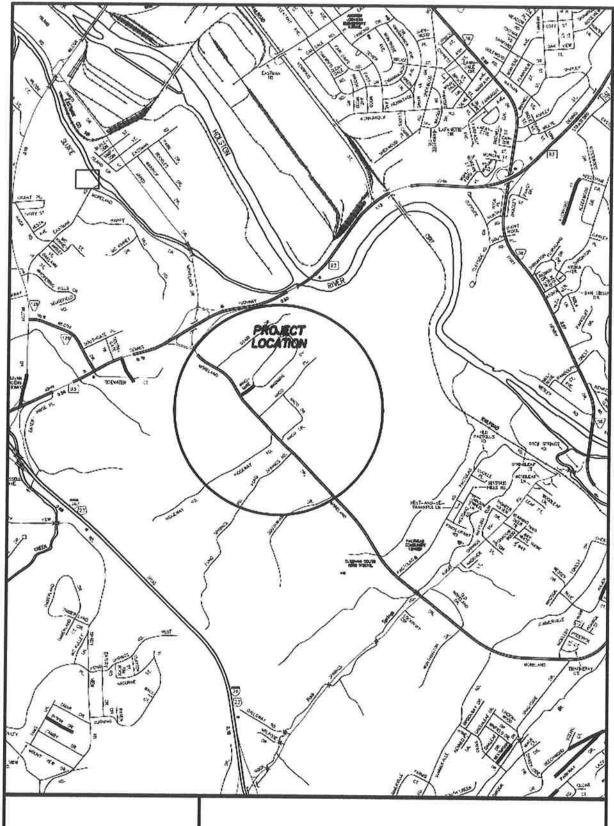




FIGURE 1 — PROJECT LOCATION MAP HOBBS PROPERTY—GARLANDS PVT DR. WATERLINE EASEMENT CITY OF KINGSPORT, TENNESSEE

NOT TO SCALE

11 JUNE 2009